

The PRESIDENT pro tempore. The Chair has held that it is not a substitute.

Mr. HARRISON. Mr. President, in view of the fact that there are several Senators who want to discuss at length some amendments, I want to submit a unanimous-consent request that when the Senate concludes its business tonight it shall recess until 12 o'clock noon tomorrow; that the bill be taken up at that hour and that no Senator shall speak longer than 30 minutes on the bill or longer than 15 minutes on any amendment to the bill, and that no Senator shall speak more than once on the bill.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

Mr. LONG. I object.

Mr. McCARRAN. I object to the request.

Mr. BORAH. Mr. President, may I be permitted to say that I have no objection to the request for unanimous consent which the Senator has preferred, if he will not include the restriction as to speaking more than once.

Mr. HARRISON. I withdraw that part of the request.

The PRESIDENT pro tempore. The Senator from Mississippi will please state his request in the form he now desires to present it.

Mr. HARRISON. I ask unanimous consent that tomorrow no Senator shall speak longer than 30 minutes on the bill or longer than 15 on any amendment thereto.

Mr. JOHNSON. Mr. President, may I inquire what the withdrawal of the suggestion that no Senator speak more than once means? Does that mean that a Senator can speak 20 times on the bill?

Mr. HARRISON. No; I think a Senator could not speak more than once on any amendment; but I imagine, in view of the objection which has been made that a Senator could speak more than once in occupying his 30 minutes of time on the bill.

Mr. JOHNSON. I beg pardon.

Mr. BORAH. A Senator could divide his 30 minutes to suit himself.

Mr. JOHNSON. I understood that there was objection to the request.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi as now submitted?

Mr. LONG. Mr. President, I will ask what the request was.

The PRESIDENT pro tempore. The request was that on the convening of the Senate tomorrow, speeches shall be limited to 30 minutes on the part of each Senator on the bill and 15 minutes on each amendment.

Mr. LONG. Reserving the right to object, would the Senator from Mississippi permit me to offer an amendment in order that it may be printed so as to be available tomorrow morning?

Mr. HARRISON. I have no objection to that whatever.

Mr. LONG. I present the amendment and ask that it may be printed and lie on the table.

The PRESIDENT pro tempore. Without objection, the proposed amendment will be received, printed, and lie on the table. Is there objection to the request for unanimous consent preferred by the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. DILL. Mr. President, I think that my amendment may be agreed to without much discussion if I may be permitted for just a moment to explain it.

Under the terms of the bill as it is now written the veterans of the Spanish-American War who are receiving pensions because they have reached the age of 62 years cannot when once removed be placed back on the rolls by the President; they are out completely and finally. The amendment will require that they be kept on the rolls, but will permit the President to cut their compensation.

It seems to me, in view of the rule that has been established so long in this country, that when a veteran reaches the age of 62 years he shall have a service pension, if we take the Spanish-American War veterans who are now past 62 years off the roll, we will simply transfer 90 percent of them from the pension roll to the charity rolls of the

country. The amendment I have suggested will keep them on the roll, but will give the President the power to reduce their compensation.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. McKELLAR. I call the Senator's attention to the last words of his amendment:

But the President may reduce the rate of pension as he may deem proper.

That would mean that he could reduce it to any sum that he might deem proper.

Mr. DILL. Yes.

Mr. McKELLAR. When we apply the rule of 15 percent to other reductions, why should we make a distinction by allowing the President to reduce to any amount he might see fit or to cut off entirely the pensions received by Spanish-American War veterans?

Mr. DILL. I thought the President could be trusted in this matter, and I did not want to fix a percentage because I did not want to get into an argument over it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington.

Mr. BORAH. One moment, Mr. President. Is it proposed to have a vote on this amendment tonight?

Mr. HARRISON. If there is no objection, I think we might vote on it.

Mr. BORAH. There has been so much conversation carried on on the other side that it was impossible to understand the discussion and I insist that this matter go over until the morning.

Mr. HARRISON. Very well.

ADDITIONAL BILLS AND JOINT RESOLUTION INTRODUCED

Mr. COPELAND, by unanimous consent, introduced bills and a joint resolution, which were severally read twice by their titles and referred as follows:

A bill (S. 451) to amend section 3 of the act of May 28, 1928, relating to salary rates of certain civil-service positions; to the Committee on Civil Service.

A bill (S. 452) for the relief of the owners of cargo laden aboard the United States transport *Florence Luckenbach* on or about December 27, 1918; and

A bill (S. 453) for the relief of owners of cargo aboard the steamship *Borley*; to the Committee on Claims.

A bill (S. 454) to amend section 24 of the Trading with the Enemy Act, as amended; to the Committee on Finance.

A bill (S. 455) for the relief of James W. Kelly; to the Committee on Naval Affairs.

A bill (S. 456) granting a pension to Juan Lopez; to the Committee on Pensions.

A joint resolution (S.J.Res. 21) authorizing the erection in Washington, D. C., of a monument in memory of Col. Robert Ingersoll; to the Committee on the Library.

RECESS

Mr. HARRISON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 10 o'clock and 20 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, March 15, 1933, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 14, 1933

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

O Father, Lord of heaven and earth, Thou who didst build the world in order and the atoms that march in tune, condescend to us, we beseech Thee. Enable us to take up the labors of these hours with earnest, sincere, and generous hearts and minds. Saturate our very breasts with the atmosphere, light, and courage of patriotic devotion. On the altar of every heart may there flame forth the spirit of a genuine, mutual cooperation; in every way may we protect

the claims, just and righteous, of a free people. May the golden rule of the Master be the climax of our hopes, the height of our ambitions, and the ideal of what we would like to practice. In the silent moments at the close of the day let us recognize the voice that has been with us since the morning. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had ordered that the House of Representatives be requested to return to the Senate the joint resolution (H.J.Res. 75) entitled "Joint resolution to provide for certain expenses incident to the first session of the Seventy-third Congress."

SWEARING IN OF MEMBERS

Hon. MARTIN A. BRENNAN, of Illinois, and Hon. JOSEPH P. MONAGHAN, of Montana, appeared at the bar of the House and took the oath of office.

RULES OF THE HOUSE

Mr. POU. Mr. Speaker, I present a privileged report from the Committee on Rules, and ask for its present consideration.

The Clerk read as follows:

House Resolution 43

Resolved, That Rule X of the House of Representatives be amended as follows:

1. Clause 4: Strike out "23" and insert "25."
2. Clause 5: Strike out "21" and insert "25."
3. Clause 6: Strike out "18" and insert "21."
4. Clause 7: Strike out "23" and insert "25."
5. Clause 8: Strike out "23" and insert "25."
6. Clause 10: Strike out "23" and insert "25."
7. Clause 11: Strike out "21" and insert "25."
8. Clause 12: Strike out "21" and insert "25."
9. Clause 13: Strike out "21" and insert "25."
10. Clause 14: Strike out "21" and insert "25."
11. Clause 19: Strike out "16" and insert "21."
12. Clause 32: Strike out "17" and insert "21."

Mr. SNELL. Mr. Speaker, will the gentleman from North Carolina yield for a question?

Mr. POU. Certainly.

Mr. SNELL. As I understand, not being able to tell exactly from the reading, these are exactly the same changes that the gentleman from California [Mr. LEA] gave me this morning.

Mr. POU. Yes.

Mr. Speaker, I do not care to discuss the resolution. I may say that it is in accordance, as I understand it, with an agreement reached by both sides of the Chamber, and that this resolution is a unanimous report from the Committee on Rules.

The resolution was agreed to.

ASSIGNMENT OF MEMBERS TO COMMITTEES

Mr. BYRNS. Mr. Speaker, I offer the following resolution and move its adoption.

The Clerk read as follows:

Resolved, That the following Members be, and they are hereby, elected members of the following standing committees of the House of Representatives, to wit:

Accounts: Lindsay Warren (chairman), North Carolina; John J. Cochran, Missouri; Mell G. Underwood, Ohio; Edward C. Moran, Jr., Maine; Sterling P. Strong, Texas; Charles Kramer, California; Edwin M. Schaefer, Illinois.

Agriculture: Marvin Jones (chairman), Texas; Hampton P. Fulmer, South Carolina; Wall Doxey, Mississippi; D. D. Glover, Arkansas; John R. Mitchell, Tennessee; Cap R. Carden, Kentucky; John W. Flanagan, Jr., Virginia; Harry P. Beam, Illinois; James G. Polk, Ohio; Richard M. Kleberg, Texas; Fred Cummings, Colorado; Frank H. Buck, California; John G. Utterback, Maine; Walter M. Pierce, Oregon; Fred Biermann, Iowa; George Foulkes, Michigan; Einar Hoidale, Minnesota; Lincoln L. McCandless, Hawaii.

Appropriations: James P. Buchanan (chairman), Texas; Edward T. Taylor, Colorado; William B. Oliver, Alabama; Anthony J. Griffin, New York; John N. Sandlin, Louisiana; William A. Ayres, Kansas; Ross A. Collins, Mississippi; William W. Hastings, Oklahoma; Clarence Cannon, Missouri; Clifton A. Woodrum, Virginia; William W. Arnold, Illinois; John J. Boylan, New York; Tilman B. Parks, Arkansas; Charles L. Abernethy, North Carolina; Louis Ludlow, Indiana; William J. Granfield, Massachusetts; Thomas L. Blanton, Texas; Michael J. Hart, Michigan; Thomas S. McMillan,

South Carolina; Glover H. Cary, Kentucky; Bernard M. Jacobsen, Iowa.

Banking and Currency: Henry B. Steagall (chairman), Alabama; Charles H. Brand, Georgia; T. Alan Goldsborough, Maryland; Anning S. Prall, New York; Jeff Busby, Mississippi; Michael K. Reilly, Wisconsin; Frank Hancock, North Carolina; Clyde Williams, Missouri; Wesley E. Disney, Oklahoma; O. H. Cross, Texas; Brent Spence, Kentucky; Denver S. Church, California; Prentiss M. Brown, Michigan; Fred J. Sisson, New York; James I. Farley, Indiana; James A. Meeks, Illinois; Herman P. Kopplemann, Connecticut.

Census: Ralph F. Lozier (chairman), Missouri; John E. Rankin, Mississippi; John H. Kerr, North Carolina; William H. Larrabee, Indiana; William L. Fiesinger, Ohio; Lynn S. Hornor, West Virginia; Edward H. Crump, Tennessee; Brooks Fletcher, Ohio; J. Mark Wilcox, Florida; Sterling P. Strong, Texas; Cleveland Dear, Louisiana; Martin A. Brennan, Illinois; Finley Hamilton, Kentucky; Matthew A. Dunn, Pennsylvania; W. M. Colmer, Mississippi.

Civil Service: Lamar Jeffers (chairman), Alabama; William I. Sirovich, New York; Robert Ramspeck, Georgia; Russell Ellzey, Mississippi; Edward C. Elcher, Iowa; Jennings Randolph, West Virginia; John D. Dingell, Michigan; Frank Gillespie, Illinois; Robert T. Secrest, Ohio; Wilbur L. Adams, Delaware; John Fitzgibbons, New York; Francis E. Walter, Pennsylvania; Virginia E. Jenckes, Indiana; Cleveland Dear, Louisiana; F. H. Shoemaker, Minnesota.

Claims: Loring M. Black, Jr. (chairman), New York; J. Bayard Clark, North Carolina; Robert Ramspeck, Georgia; Samuel Dickstein, New York; Fletcher B. Swank, Oklahoma; Russell Ellzey, Mississippi; Ambrose J. Kennedy, Maryland; William R. Thom, Ohio; John Young Brown, Kentucky; Martin F. Smith, Washington; William T. Schulte, Indiana; Thomas J. O'Brien, Illinois; E. M. Owen, Georgia; Edward C. Elcher, Iowa; Francis E. Walter, Pennsylvania.

Coinage, Weights, and Measures: Andrew L. Somers (chairman), New York; John J. Douglass, Massachusetts; Bolivar E. Kemp, Louisiana; John J. Cochran, Missouri; William H. Larrabee, Indiana; William L. Fiesinger, Ohio; Martin Dies, Texas; Fletcher B. Swank, Oklahoma; Compton I. White, Idaho; Edward R. Burke, Nebraska; J. Leroy Adair, Illinois; Abe Murdock, Utah; Terry M. Carpenter, Nebraska; William M. Berlin, Pennsylvania; James G. Scrugham, Nevada.

Disposition of Useless Executive Papers: Robert A. Green (chairman), Florida.

District of Columbia: Mary T. Norton (chairman), New Jersey; Vincent L. Palmisano, Maryland; Wright Patman, Texas; Loring M. Black, Jr., New York; J. Bayard Clark, North Carolina; Lynn S. Hornor, West Virginia; Byron B. Harlan, Ohio; Ambrose J. Kennedy, Maryland; Thomas J. O'Brien, Illinois; Carl M. Weideman, Michigan; E. M. Owen, Georgia; Jennings Randolph, West Virginia; Virginia Jenckes, Indiana.

Education: John J. Douglass (chairman), Massachusetts; Loring M. Black, Jr., New York; Vincent L. Palmisano, Maryland; René L. DeRouen, Louisiana; Martin J. Kennedy, New York; William H. Larrabee, Indiana; Russell Ellzey, Mississippi; Brooks Fletcher, Ohio; Martin A. Brennan, Illinois; Braswell Deen, Georgia; Joseph W. Bailey, Jr., Texas; James Hughes, Wisconsin; William M. Berlin, Pennsylvania; John Lesinski, Michigan.

Election of President, Vice President, and Representatives in Congress: Patrick J. Carley (chairman), New York; Lamar Jeffers, Alabama; Ralph F. Lozier, Missouri; Wilburn Cartwright, Oklahoma; Brooks Fletcher, Ohio; Kathryn O'Loughlin McCarthy, Kansas; J. Leroy Adair, Illinois; Henry Arens, Minnesota.

Elections No. 1: J. Bayard Clark (chairman), North Carolina; Claude A. Fuller, Arkansas; Homer C. Parker, Georgia; Joseph W. Bailey, Jr., Texas; Cleveland Dear, Louisiana; Martin A. Brennan, Illinois.

Elections No. 2: Joseph A. Gavagan (chairman), New York; John J. Douglass, Massachusetts; Edward R. Burke, Nebraska; Walter Nesbit, Illinois; William B. Umstead, North Carolina; Raymond J. Cannon, Wisconsin.

Elections No. 3: John H. Kerr (chairman), North Carolina; John McDuffie, Alabama; Ben Cravens, Arkansas; Alfred F. Belter, New York; Lawrence E. Imhoff, Ohio; E. M. Owen, Georgia.

Enrolled Bills: Claude V. Parsons (chairman), Illinois; James J. Lanzetta, New York; Charles J. Colden, California; Charles N. Crosby, Pennsylvania; Albert C. Willford, Iowa.

Expenditures in the Executive Departments: John J. Cochran (chairman), Missouri; Allard H. Gasque, South Carolina; Riley J. Wilson, Louisiana; William M. Whittington, Mississippi; Glenn Griswold, Indiana; Lindsay C. Warren, North Carolina; William R. Thom, Ohio; Randolph Carpenter, Kansas; J. Twing Brooks, Pennsylvania; Edwin M. Schaefer, Illinois; Francis E. Walter, Pennsylvania; Edward C. Elcher, Iowa; A. Willis Robertson, Virginia; Wilbur L. Adams, Delaware; Joseph W. Bailey, Jr., Texas.

Flood Control: Riley J. Wilson (chairman), Louisiana; William M. Whittington, Mississippi; Fletcher B. Swank, Oklahoma; Glenn Griswold, Indiana; Edward H. Crump, Tennessee; Homer C. Parker, Georgia; Joe H. Eagle, Texas; Ben Cravens, Arkansas; Edward R. Burke, Nebraska; J. R. Claiborne, Missouri; Cleveland Dear, Louisiana; Otha D. Wearin, Iowa; Edwin M. Schaefer, Illinois; Monrad C. Wallgren, Washington; Ernest Lundeen, Minnesota.

Foreign Affairs: Sam D. McReynolds (chairman), Tennessee; Sol Bloom, New York; Luther A. Johnson, Texas; J. Walter Lambeth, North Carolina; Stephen A. Rudd, New York; Bryant T. Castellow, Georgia; Finly H. Gray, Indiana; John A. Martin, Colo-

rado; Frank L. Kloebe, Ohio; Millard F. Caldwell, Florida; William E. Richardson, Pennsylvania; Thomas F. Ford, California; John Kee, West Virginia; Guy M. Gillette, Iowa; Charles W. Henney, Wisconsin.

Immigration and Naturalization: Samuel Dickstein (chairman), New York; John H. Kerr, North Carolina; Lamar Jeffers, Alabama; Mell G. Underwood, Ohio; Vincent L. Palmisano, Maryland; Eugene B. Crowe, Indiana; Martin Dies, Texas; Joe H. Eagle, Texas; W. M. Colmer, Mississippi; Carl M. Weideman, Michigan; A. Willis Robertson, Virginia; E. M. Owen, Georgia; William T. Schulte, Indiana; James J. Lanzetta, New York; Charles Kramer, California; Lincoln L. McCandless, Hawaii.

Indian Affairs: Edgar Howard (chairman), Nebraska; Wilburn Cartwright, Oklahoma; Joe L. Smith, West Virginia; Samuel Dickstein, New York; Dennis Chavez, New Mexico; Will Rogers, Oklahoma; Roy E. Ayers, Montana; Thomas O'Malley, Wisconsin; Henry E. Stubbs, California; Randolph Carpenter, Kansas; Knute Hill, Washington; Abe Murdock, Utah; Theo. B. Werner, South Dakota; Frank H. Lee, Missouri; Ernest Lundeen, Minnesota; Anthony J. Dimond, Alaska.

Insular Affairs: John McDuffie (chairman), Alabama; Joe L. Smith, West Virginia; Ralph F. Lozier, Missouri; Wilburn Cartwright, Oklahoma; John D. Dingell, Michigan; Leo Kocialkowski, Illinois; Charles Kramer, California; Robert T. Secrest, Ohio; Kathryn O'Loughlin McCarthy, Kansas; A. Willis Robertson, Virginia; John Young Brown, Kentucky; James J. Lanzetta, New York; J. Buell Snyder, Pennsylvania; James G. Scrugham, Nevada; F. H. Shoemaker, Minnesota.

Interstate and Foreign Commerce: Sam Rayburn (chairman), Texas; George Huddleston, Alabama; Clarence F. Lea, California; Robert Crosser, Ohio; Parker Corning, New York; Jacob L. Milligan, Missouri; Alfred L. Bulwinkle, North Carolina; Virgil Chapman, Kentucky; Paul H. Maloney, Louisiana; William P. Cole, Jr., Maryland; Samuel B. Pettengill, Indiana; Edward A. Kelly, Illinois; E. W. Marland, Oklahoma; Edward A. Kenney, New Jersey; George G. Sadowski, Michigan; Joseph P. Monaghan, Montana; Francis T. Maloney, Connecticut.

Invalid pensions: Mell G. Underwood (chairman), Ohio; Ralph F. Lozier, Missouri; Andrew L. Somers, New York; Joe L. Smith, West Virginia; Edgar Howard, Nebraska; Kent E. Keller, Illinois; Martin J. Kennedy, New York; J. Buell Snyder, Pennsylvania; Edward C. Eicher, Iowa; Theo. B. Werner, South Dakota; Finley Hamilton, Kentucky; George R. Durgan, Indiana; John Lesinski, Michigan; Robert L. Ramsay, West Virginia; F. H. Shoemaker, Minnesota.

Irrigation and reclamation: Dennis Chavez (chairman), New Mexico; Miles C. Allgood, Alabama; Allard H. Gasque, South Carolina; Charles H. Martin, Oregon; Terry M. Carpenter, Nebraska; Compton I. White, Idaho; Roy E. Ayers, Montana; Knute Hill, Washington; Henry E. Stubbs, California; Claude E. Cady, Michigan; James G. Scrugham, Nevada; J. W. Robinson, Utah; Joseph W. Bailey, Jr., Texas; J. Hardin Peterson, Florida; Theo. B. Werner, South Dakota.

Judiciary: Hatton W. Summers (chairman), Texas; Andrew J. Montague, Virginia; Tom D. McKeown, Oklahoma; Gordon Brown, Tennessee; Emanuel Celler, New York; Frank Oliver, New York; William V. Gregory, Kentucky; Malcolm C. Tarver, Georgia; Francis B. Condon, Rhode Island; Zebulon Weaver, North Carolina; J. Earl Major, Illinois; John E. Miller, Arkansas; Arthur D. Healey, Massachusetts; Warren J. Duffey, Ohio; James E. Ruffin, Missouri; Lawrence Lewis, Colorado; John C. Lehr, Michigan.

Labor: William P. Connery, Jr. (chairman), Massachusetts; Mary T. Norton, New Jersey; Robert Ramspeck, Georgia; Martin J. Kennedy, New York; Glenn Griswold, Indiana; Kent E. Keller, Illinois; Russell Ellzey, Mississippi; John Fitzgibbons, New York; Matthew A. Dunn, Pennsylvania; Reuben T. Wood, Missouri; Jennings Randolph, West Virginia; James Hughes, Wisconsin; Walter Nesbit, Illinois; John Lesinski, Michigan; Ernest Lundeen, Minnesota.

Library: Kent E. Keller (chairman), Illinois; Lindsay C. Warren, North Carolina; Robert T. Secrest, Ohio.

Memorials: John H. Morehead (chairman), Nebraska; Mary T. Norton, New Jersey.

Merchant Marine, Radio, and Fisheries: Schuyler Otis Bland (chairman), Virginia; Clay Stone Briggs, Texas; George W. Lindsay, New York; Oscar L. Auf der Heide, New Jersey; Bolivar E. Kemp, Louisiana; William I. Sirovich, New York; Robert Ramspeck, Georgia; Ambrose J. Kennedy, Maryland; Charles N. Crosby, Pennsylvania; A. C. Willford, Iowa; Monrad C. Wallgren, Washington; Lawrence E. Imhoff, Ohio; John Young Brown, Kentucky; Edward C. Moran, Jr., Maine; William B. Umstead, North Carolina; Lincoln L. McCandless, Hawaii; Anthony J. Dimond, Alaska.

Military Affairs: John J. McSwain (chairman), South Carolina; Lister Hill, Alabama; James M. Fitzpatrick, New York; Jed Johnson, Oklahoma; Numa F. Montet, Louisiana; Andrew J. May, Kentucky; R. Ewing Thomason, Texas; William N. Rogers, New Hampshire; Thomas C. Coffin, Idaho; Chester Thompson, Illinois; Dow W. Harter, Ohio; Wesley Lloyd, Washington; Charles I. Faddis, Pennsylvania; Clarence W. Turner, Tennessee; Richard M. Duncan, Missouri; Theodore A. Peyser, New York; Paul J. Kvale, Minnesota; Lincoln L. McCandless, Hawaii.

Mines and Mining: Joe L. Smith (chairman), West Virginia; Andrew L. Somers, New York; Lynn S. Hornor, West Virginia; Ben Cravens, Arkansas; Virginia E. Jenckes, Indiana; Finley Hamilton, Kentucky; Abe Murdock, Utah; Frank H. Lee, Missouri; William M. Berlin, Pennsylvania; Frank Gillespie, Illinois; J. Hardin Peterson, Florida; Will Rogers, Oklahoma; William R. Thom, Ohio; Alfred F. Beiter, New York; Anthony J. Dimond, Alaska.

Naval Affairs: Carl Vinson (chairman), Georgia; Patrick Henry Drewry, Virginia; Stephen W. Gambrill, Maryland; John J. De-

laney, New York; Frank C. Kniffin, Ohio; Joachim O. Fernandez, Louisiana; Patrick J. Boland, Pennsylvania; Leonard W. Schuetz, Illinois; William H. Sutphin, New Jersey; Joseph B. Shannon, Missouri; William J. Sears, Florida; John J. McGrath, California; Colgate W. Darden, Jr., Virginia; W. D. McFarlane, Texas; John H. Burke, California; Marion A. Zioncheck, Washington; John M. O'Connell, Rhode Island; Lincoln L. McCandless, Hawaii.

Patents: William I. Sirovich (chairman), New York; Fritz G. Lanham, Texas; Charles V. Truax, Ohio; George R. Durgan, Indiana; Braswell Deen, Georgia; Thomas O'Malley, Wisconsin; Robert L. Ramsay, West Virginia; Matthew A. Dunn, Pennsylvania; J. Leroy Adair, Illinois; James P. Richards, South Carolina; Charles J. Colden, California; John D. Dingell, Michigan; Henry Arens, Minnesota.

Pensions: Allard H. Gasque (chairman), South Carolina; Patrick J. Carley, New York; Edward B. Almon, Alabama; Riley J. Wilson, Louisiana; Will Rogers, Oklahoma; Sterling P. Strong, Texas; Raymond J. Cannon, Wisconsin; Martin F. Smith, Washington; John H. Hoeppel, California; Thomas J. O'Brien, Illinois; William T. Schulte, Indiana; Reuben T. Wood, Missouri; Fred H. Hildebrandt, South Dakota; Twing Brooks, Pennsylvania; Charles V. Truax, Ohio.

The Post Office and Post Roads: James M. Mead (chairman), New York; Milton A. Romjue, Missouri; John H. Morehead, Nebraska; William F. Brunner, New York; Harry L. Haines, Pennsylvania; John S. Wood, Georgia; Thomas G. Burch, Virginia; Arthur P. Lamneck, Ohio; Martin L. Sweeney, Ohio; George W. Johnson, West Virginia; Elmer E. Studley, New York; George B. Terrell, Texas; Harry W. Musselwhite, Michigan; John C. Taylor, South Carolina; D. C. Dobbins, Illinois; John F. Dockweiler, California; Magnus Johnson, Minnesota; Lincoln L. McCandless, Hawaii.

Printing: J. Walter Lambeth (chairman), North Carolina; Patrick J. Carley, New York.

Public Buildings and Grounds: Fritz G. Lanham (chairman), Texas; Edward B. Almon, Alabama; John H. Kerr, North Carolina; Eugene B. Crowe, Indiana; Ben Cravens, Arkansas; Otha D. Wearin, Iowa; Claude E. Cady, Michigan; Wilbur L. Adams, Delaware; Kathryn O'Loughlin McCarthy, Kansas; Stephen M. Young, Ohio; Robert L. Ramsay, West Virginia; J. Mark Wilcox, Florida; Edward R. Burke, Nebraska; Leo Kocialkowski, Illinois; J. Buell Snyder, Pennsylvania.

Public Lands: René L. DeRouen (chairman), Louisiana; Claude A. Fuller, Arkansas; Fletcher B. Swank, Oklahoma; Dennis Chavez, New Mexico; Fritz G. Lanham, Texas; J. W. Robinson, Utah; George R. Durgan, Indiana; Roy E. Ayers, Montana; Knute Hill, Washington; Claude E. Cady, Michigan; Otha D. Wearin, Iowa; Fred H. Hildebrandt, South Dakota; Compton I. White, Idaho; Henry E. Stubbs, California; J. Hardin Peterson, Florida; Lincoln L. McCandless, Hawaii; Anthony J. Dimond, Alaska.

Revision of the Laws: Byron B. Harlan (chairman), Ohio; William P. Connery, Jr., Massachusetts; Samuel Dickstein, New York; Raymond J. Cannon, Wisconsin; J. R. Claiborne, Missouri; Charles N. Crosby, Pennsylvania; Leo Kocialkowski, Illinois; J. Mark Wilcox, Florida.

Rivers and Harbors: Joseph J. Mansfield (chairman), Texas; John McDuffie, Alabama; Joseph A. Gavagan, New York; René L. DeRouen, Louisiana; Charles H. Martin, Oregon; William L. Fiesinger, Ohio; Martin Dies, Texas; Robert A. Green, Florida; Claude V. Parsons, Illinois; Edward H. Crump, Tennessee; Homer C. Parker, Georgia; James Hughes, Wisconsin; W. M. Colmer, Mississippi; J. R. Claiborne, Missouri; Charles J. Colden, California; Alfred F. Beiter, New York; Martin F. Smith, Washington.

Roads: Edward B. Almon (chairman), Alabama; Bolivar E. Kemp, Louisiana; Lindsay C. Warren, North Carolina; Wilburn Cartwright, Oklahoma; Claude A. Fuller, Arkansas; William M. Whittington, Mississippi; Wright Patman, Texas; Charles H. Martin, Oregon; Thomas O'Malley, Wisconsin; Terry M. Carpenter, Nebraska; Monrad C. Wallgren, Washington; Finley Hamilton, Kentucky; F. H. Lee, Missouri; J. Will Robinson, Utah; Martin A. Brennan, Illinois.

Territories: Bolivar E. Kemp (chairman), Louisiana; John E. Rankin, Mississippi; John McDuffie, Alabama; Robert A. Green, Florida; John J. Douglass, Massachusetts; Eugene B. Crowe, Indiana; Claude V. Parsons, Illinois; Raymond J. Cannon, Wisconsin; Charles V. Truax, Ohio; Fred H. Hildebrandt, South Dakota; John Fitzgibbons, New York; Sterling P. Strong, Texas; J. Twing Brooks, Pennsylvania; Carl M. Weideman, Michigan; Henry Arens, Minnesota; Lincoln L. McCandless, Hawaii; Anthony J. Dimond, Alaska.

War Claims: Miles C. Allgood (chairman), Alabama; Wilburn Cartwright, Oklahoma; Joseph A. Gavagan, New York; John H. Hoeppel, California; Alfred F. Beiter, New York; Lawrence E. Imhoff, Ohio; A. C. Willford, Iowa; Frank Gillespie, Illinois; James P. Richards, South Carolina; Braswell Deen, Georgia; William B. Umstead, North Carolina; Reuben T. Wood, Missouri; Stephen M. Young, Ohio; Robert L. Ramsay, West Virginia.

World War Veterans' Legislation: John E. Rankin (chairman), Mississippi; Lamar Jeffers, Alabama; William P. Connery, Jr., Massachusetts; Mary T. Norton, New Jersey; Edgar Howard, Nebraska; Wright Patman, Texas; Claude A. Fuller, Arkansas; Glenn Griswold, Indiana; Joe H. Eagle, Texas; Stephen M. Young, Ohio; Walter Nesbit, Illinois; Edward C. Moran, Jr., Maine; James P. Richards, South Carolina; Randolph Carpenter, Kansas; John H. Hoeppel, California.

Mr. BLANTON (interrupting the reading of the resolution). Mr. Speaker, the further reading of this long list,

with which we are all familiar, is useless. I ask unanimous consent that its further reading be dispensed with and that it be printed in the *RECORD*.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

Mr. **SNELL**. Mr. Speaker, I present a resolution which is a partial list of minority members of committees and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 45

Resolved, That the following Members be, and they are hereby, elected to the standing committees of the House, to wit:

Ways and Means: Allen Treadway, Massachusetts; Isaac Bacharach, New Jersey; Henry W. Watson, Pennsylvania; Frank Crowther, New York; James A. Frear, Wisconsin; Harold Knutson, Minnesota; Daniel A. Reed, New York; Roy O. Woodruff, Michigan; Thomas A. Jenkins, Ohio; William E. Evans, California.

Agriculture: John D. Clarke, New York; Clifford R. Hope, Kansas; J. Roland Kinzer, Pennsylvania; Gerald J. Boileau, Wisconsin; Fred C. Gilchrist, Iowa; Ray P. Chase, Minnesota; Charles W. Tobey, New Hampshire; L. T. Marshall, Ohio.

Appropriations: John Taber, New York; Robert L. Bacon, New York; Richard B. Wigglesworth, Massachusetts; James H. Sinclair, North Dakota; Clarence J. McLeod, Michigan; Lloyd Thurston, Iowa; Mrs. Florence P. Kahn, California; John T. Buckbee, Illinois; J. Howard Swick, Pennsylvania; Chester C. Bolton, Ohio; W. P. Lambertson, Kansas; Edward W. Goss, Connecticut; D. Lane Powers, New Jersey; J. William Ditter, Pennsylvania.

Banking and Currency: Robert Luce, Massachusetts; Carroll L. Beedy, Maine; Edward L. Stokes, Pennsylvania; John B. Hollister, Ohio; Jesse P. Wolcott, Michigan; Peter A. Caviocchia, New Jersey; James W. Wadsworth, New York; James Simpson, Jr., Illinois.

Foreign Affairs: Hamilton Fish, Jr., New York; Joseph W. Martin, Jr., Massachusetts; Charles A. Eaton, New Jersey; George Holden Tinkham, Massachusetts; George F. Brumm, Pennsylvania; Leo E. Allen, Illinois; George Burnham, California; Charles M. Bakewell, Connecticut.

Interstate and Foreign Commerce: James S. Parker, New York; John G. Cooper, Ohio; Carl E. Mapes, Michigan; Charles A. Wolverton, New Jersey; James Wolfenden, Pennsylvania; Pehr G. Holmes, Massachusetts; Schuyler Merritt, Connecticut; B. Carroll Reece, Tennessee.

Judiciary: J. Banks Kurtz, Pennsylvania; Cassius C. Dowell, Iowa; Randolph Perkins, New Jersey; Joseph L. Hooper, Michigan; U. S. Guyer, Kansas; Clarence E. Hancock, New York; James M. Beck, Pennsylvania; William E. Hess, Ohio.

Mr. **BLANTON**. Mr. Speaker, may I ask the gentleman from New York a question?

I would like to know whether or not the former chairman of the Committee on Banking and Currency [Mr. McFadden] is still a member of the Committee of the Whole House on the state of the Union?

Mr. **SNELL**. Mr. Speaker, I am not yielding for any statement of that sort. I move the adoption of the resolution.

The resolution was agreed to.

EXPENSES OF THE FIRST SESSION OF THE SEVENTY-THIRD CONGRESS

The **SPEAKER**. The Chair lays before the House the following request from the Senate of the United States.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,

March 13, 1933.

Ordered, That the House of Representatives be requested to return to the Senate the joint resolution (H.J. Res. 75) entitled "Joint resolution to provide for certain expenses incident to the first session of the Seventy-third Congress."

The **SPEAKER**. Without objection, the request of the Senate will be agreed to.

There was no objection.

ANNOUNCEMENT

Mr. **DOUGHTON**. Mr. Speaker, I desire to announce that there will be a meeting of the Ways and Means Committee immediately in the committee room in the Capitol.

RECESS

Mr. **BYRNS**. Mr. Speaker, I move that the House stand in recess subject to the call of the Speaker, the Members to be notified 15 minutes in advance by the ringing of the bells.

Mr. **SNELL**. Mr. Speaker, may I inquire of the gentleman if there has been a change in his request in any way?

Mr. **BYRNS**. No; I have simply asked that the House stand in recess subject to the call of the Speaker, and that the Members be notified 15 minutes in advance by the ringing of the bells.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Accordingly (at 12:17 p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, at 12:47 p.m., the House was called to order by the Speaker.

THE BEER BILL

Mr. **BYRNS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3341) to provide revenue by taxation of certain nonintoxicating liquor, and for other purposes, and that general debate be limited to 3 hours, one half to be controlled by the gentleman from New York [Mr. CULLEN] and the other half by the gentleman from Massachusetts [Mr. TREADWAY], and that at the conclusion of general debate the previous question be considered as ordered.

Mr. **RAGON**. Reserving the right to object, Mr. Speaker, and I shall not object, it is understood that the gentleman from New York [Mr. CULLEN], in favor of the bill, will yield half of his time to me in opposition to the bill and that the gentleman from Massachusetts [Mr. TREADWAY] will yield half of his time to the gentleman from New York [Mr. CROWTHER]. I simply want to confirm this agreement.

Mr. **CULLEN**. That has been agreed upon, Mr. Speaker.

Mr. **TREADWAY**. Mr. Speaker, supplementing what the gentleman from Arkansas has just said, let me add that the time allotted to this side being controlled by myself, I shall yield one half of it to the gentleman from New York [Mr. CROWTHER] in order that he may recognize such Republican Members as want to oppose the bill, and I shall recognize Republican Members who want to speak in favor of the bill.

Mr. **CULLEN**. There is no objection to that, Mr. Speaker.

Mr. **BLANTON**. Mr. Speaker, reserving the right to object, if this bill could be stopped by objecting to the unanimous-consent request at this time, it would be stopped. I would unhesitatingly object and stop it. I realize, however, that you could not stop it by objecting to the request. It would be promptly called up under a rule, for I realize that the Rules Committee is now functioning, and they would have a rule here in 15 minutes making it in order, and probably giving us only 20 minutes to the side for debate, while we will get 3 hours for general debate under the present unanimous-consent request. Since half of the time is given to those opposing the bill, I shall not throw any monkey wrench into the procedure, because I realize this bill cannot be stopped. The time on our side against the bill is to be controlled by the gentleman from Arkansas, who has agreed to distribute his time to opponents of the bill, and it is understood by the gentleman from New York that the gentleman from Arkansas [Mr. RAGON] may distribute the one fourth of the time allowed him. Is not that true?

Mr. **CULLEN**. That is right.

Mr. **BLANTON**. The gentleman from Arkansas has promised me time, and under the circumstances I shall not object, as an objection would avail nothing. I realize full well that it is ordained here by the powers that be that this beer bill is to be passed in the House today. Debate on it will not change a vote. But before this bill passes, that will inflict beer saloons again upon the country, we who oppose saloons must have the opportunity of placing in the *RECORD* our everlasting condemnation of them.

Mr. **O'CONNOR**. Mr. Speaker, reserving the right to object, have the Members in control of this bill considered this situation, which is parallel with the way the economy bill was handled the other day? The time is being divided equally between those in favor of the bill and those opposed to the bill, while probably two thirds, if not three fourths,

of the SPEAKER are in favor of the bill. I submit a fair division of the time would be that 1 hour on this side be yielded to those in favor of the bill and one half hour to those opposed to the bill.

Mr. BLANTON. That is not in accordance with the rules of debate. There must be an equal division of time. It has been agreed that the 3 hours are to be equally divided, 1 hour and 30 minutes to be used by those favoring the bill and one hour and a half to be used by those opposing the bill. I would not agree to any arrangement other than an equal division of time.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. CULLEN. Mr. Speaker, by direction of the Committee on Ways and Means, I report the bill (H.R. 3341) to provide revenue by the taxation of certain nonintoxicating liquor, and for other purposes.

The Clerk read the bill as follows:

Be it enacted, etc. That (a) there shall be levied and collected on all beer, lager beer, ale, porter, and other similar fermented liquor, containing one half of 1 percent or more of alcohol by volume, and not more than 3.2 percent of alcohol by weight, brewed or manufactured, and, on or after the effective date of this act, sold, or removed for consumption or sale, within the United States by whatever name such liquors may be called, a tax of \$5 for every barrel containing not more than 31 gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law, to be collected under the provisions of existing law. The tax imposed by this section upon any beverage shall, if any tax is now imposed thereon by law, be in lieu of such tax from the time the tax imposed by this section takes effect. Nothing in this section shall in any manner affect the internal-revenue tax on beer, lager beer, ale, porter, or other similar fermented liquor containing more than 3.2 percent of alcohol by weight or less than one half of 1 percent of alcohol by volume. As used in this section the term "United States" includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) Paragraph "First" of section 3244 of the Revised Statutes (U.S.C., title 26, sec. 202) is amended to read as follows:

"First. Brewers shall pay \$1,000 in respect of each brewery. Every person who manufactures fermented liquors of any name or description for sale, from malt, wholly or in part, or from any substitute therefor, containing one half of 1 percent or more of alcohol by volume, shall be deemed a brewer."

(c) All special tax and administrative provisions of the internal-revenue laws in respect of beer, ale, porter, or other similar fermented liquor shall be applicable in respect of the liquor taxable under subsection (a).

SEC. 2. The following portions of the National Prohibition Act, as amended and supplemented, in so far as they relate to beer, ale, porter, or other similar fermented liquor, are hereby repealed:

(a) The second paragraph of section 37 of title II (U.S.C., title 27, sec. 58).

(b) The fourth or last paragraph of section 37 of title II (U.S.C., title 27, sec. 60).

SEC. 3. (a) Nothing in the National Prohibition Act, as amended and supplemented, shall apply to any of the following, or to any act or failure to act in respect of any of the following, containing not more than 3.2 percent of alcohol by weight: beer, ale, porter, or other similar fermented liquor; but the National Prohibition Act, as amended and supplemented, shall apply to any of the foregoing, or to any act or failure to act in respect of any of the foregoing, contained in bottles, casks, barrels, kegs, or other containers, not labeled and sealed as may be prescribed by regulations.

(b) The following acts and parts of acts shall be subject to a like limitation as to their application:

(1) The act entitled "An act to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided," approved May 23, 1918 (U.S.C., title 48, sec. 520);

(2) Section 2 of the act entitled "An act to provide a civil government for Puerto Rico, and for other purposes," approved March 2, 1917;

(3) The act entitled "An act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes," approved February 14, 1917 (U.S.C., title 48, secs. 261 to 291, both inclusive).

(c) Nothing in section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, as amended and supplemented (U.S.C., title 18, sec. 341; supp. VI, title 18, sec. 341), shall prohibit the deposit in or carriage by the mails of the United States, or the delivery by any postmaster or letter carrier, of any mail matter containing any advertisement, or any solicitation of an order or orders for, any of the following containing not more than 3.2 percent of alcohol by weight: beer, ale, porter, or other similar fermented liquor.

SEC. 4. (a) The manufacturer for sale of beer, ale, porter, or other similar fermented liquor, containing one half of 1 percent

of alcohol by volume and not more than 3.2 percent of alcohol by weight, shall, before engaging in business, secure a permit authorizing him to engage in such manufacture, which permit shall be obtained in the same manner as a permit under the National Prohibition Act, as amended and supplemented, to manufacture intoxicating liquor, and be subject to all the provisions of law relating to such a permit. Such permit may be issued to a manufacturer for sale of any such fermented liquor, containing less than one half of 1 percent of alcohol by volume, if he desires to take advantage of the provisions of paragraph (2) of subsection (b) of this section. No permit shall be issued under this section for the manufacture of fermented liquor in any State, Territory, or the District of Columbia, or political subdivision of any State or Territory, if such manufacture is prohibited by the law thereof.

(b) (1) Such permit shall specify a maximum alcoholic content permissible for such fermented liquor at the time of withdrawal from the factory or other disposition, which shall not be greater than 3.2 percent of alcohol by weight, nor greater than the maximum alcoholic content permissible under the law of the State, Territory, or the District of Columbia, or the political subdivision of a State or Territory, in which such liquor is manufactured.

(2) In such permit may be included permission to develop in the manufacture of such fermented liquor by the usual methods of fermentation or otherwise a liquid such as beer, ale, or porter, of an alcoholic content in excess of the maximum specified in the permit; but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic content shall, if in excess of the maximum specified in the permit, be reduced, under such regulations as may be prescribed, to or below such maximum; but such liquid may be removed and transported, under bond and under such regulations as may be prescribed, from one bonded plant or warehouse to another for the purpose of having the percentage of alcohol reduced to the maximum specified in the permit by dilution or extraction. The alcohol removed from such liquid, if evaporated, and not condensed and saved, shall not be subject to tax; if saved, it shall be subject to the same law as other alcoholic liquors.

(3) In any case where the manufacturer is charged with manufacturing or selling for beverage purposes any beer, ale, porter, or other similar fermented liquor, containing more than 3.2 percent of alcohol by weight, the burden of proof shall be on such manufacturer to show that the liquid so manufactured or sold contained not more than 3.2 percent of alcohol by weight. In any case where a manufacturer, who has been permitted to develop a liquid such as beer, ale, or porter, containing more than the maximum alcoholic content specified in the permit, is charged with failure to reduce the alcoholic content to or below such maximum before such liquid was withdrawn from the factory or otherwise disposed of, then the burden of proof shall be on such manufacturer to show that the alcoholic content of such liquid so manufactured, sold, withdrawn, or otherwise disposed of did not exceed the maximum specified in the permit. In any suit or proceeding involving the alcoholic content of any beverage, the reasonable expense of analysis of such beverage shall be taxed as costs in the case.

(c) Whoever engages in the manufacture for sale of beer, ale, porter, or other similar fermented liquor, without such permit if such permit is required, or violates any permit issued to him, shall be subject to the penalties and proceedings provided by law in the case of similar violations of the National Prohibition Act, as amended and supplemented.

(d) This section shall have the same geographical application as the National Prohibition Act, as amended and supplemented.

SEC. 5. Except to the extent provided in section 4 (b) (2), nothing in section 1 or 4 of this act shall be construed as in any manner authorizing or making lawful the manufacture of any beer, ale, porter, or other similar fermented liquor, which at the time of sale or removal for consumption or sale contains more than 3.2 percent of alcohol by weight.

SEC. 6. In order that beer, ale, porter, or other similar fermented liquor, containing 3.2 percent or less of alcohol by weight, may be divested of their interstate character in certain cases, the shipment or transportation thereof in any manner or by any means whatsoever, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which fermented liquor is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited. Nothing in this section shall be construed as making lawful the shipment or transportation of any liquor the shipment or transportation of which is prohibited by the act of March 1, 1913, entitled "An act divesting intoxicating liquors of their interstate character in certain cases" (U. S. C., supp. VI, title 27, sec. 122).

SEC. 7. Whoever orders, purchases, or causes beer, ale, porter, or other similar fermented liquor, containing 3.2 percent or less of alcohol by weight, to be transported in interstate commerce, except for scientific, sacramental, medicinal, or mechanical purposes, into any State, Territory, or the District of Columbia, the laws of which State, Territory, or District prohibit the manufacture or sale therein of such fermented liquors for beverage purposes, shall be fined not more than \$1,000 or imprisoned not more than 6 months, or both; and for any subsequent offense shall be imprisoned for not more than 1 year. If any person

is convicted under this section, any permit issued to him shall be revoked. Nothing in this section shall be construed as making lawful the shipment or transportation of any liquor the shipment or transportation of which is prohibited by section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, as amended and supplemented (U.S.C., supp. VI, title 27, sec. 123).

Sec. 8. Any offense committed, or any right accrued, or any penalty or obligation incurred, or any seizure or forfeiture made, prior to the effective date of this act, under the provisions of the National Prohibition Act, as amended and supplemented, or under any permit or regulation issued thereunder, may be prosecuted or enforced in the same manner and with the same effect as if this act had not been enacted.

Sec. 9. This act shall take effect on the expiration of 15 days after the date of its enactment, except that permits referred to under section 4 may be issued at any time after the date of enactment, and except that liquor taxable under section 1 may be removed prior to the effective date of this act for bottling and storage on the permit premises until such date, and, when so removed, shall be subject to tax at the rate provided by section 1.

Sec. 10. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

During the reading of the bill the following occurred:

Mr. O'CONNOR. Mr. Speaker, the Clerk is evidently reading a bill which differs from the printed bill we have here.

Mr. CULLEN. It is true; the bill the Clerk is reading differs in a few minor respects from the one before the House. The differences are of a minor character. On page 2, line 20, it provides, "First. Brewers shall pay \$1,000." We have inserted "in respect of each brewery."

On page 6, line 16, it provides, "Such liquids may be developed, under permits under the National Prohibition Act, as amended and supplemented, by persons other than manufacturers of beverages containing not more than 3.2 per cent of alcohol by weight and sold to such manufacturers for conversion into such beverages."

That language has been stricken out as not necessary.

The Clerk completed the reading of the bill.

Mr. CULLEN. Mr. Speaker, I yield myself 5 minutes. Mr. Speaker and Members of the House, we listened yesterday to a message from President Roosevelt, in which, in his vigorous and characteristic manner, he startled even his closest friends and admirers when he delivered a message to Congress advocating the immediate modification of the Volstead Act and permitting the manufacture and sale of beer.

The President in his message made it emphatic that he deemed it highly important that legislation be passed by Congress immediately in order to provide for additional revenue. In my judgment, the country and Congress is with him unanimously.

This bill H.R. 3341 comes from the Committee on Ways and Means and has received very careful and conscientious consideration by the subcommittee of the Democratic members of the Ways and Means Committee. There is not the slightest doubt in my mind that this worthy measure merits the approval of the entire Membership of this House.

It conforms in every respect with the platform approved by the Democratic National Convention at Chicago. [Applause.] And the President referred to it as one of the foremost campaign pledges to the people. I hardly think that anyone will take issue with me when I have the temerity to state that this measure was overwhelmingly endorsed by the American people in the national election on November last.

I stand here, Mr. Speaker, advocating the balancing of the Budget during this special session of Congress. The President has already impressed upon the Congress the urgency of such a step, and the passage of a beer bill will go a long way toward helping alleviate the distress and suffering in the country.

It has been conservatively estimated by Treasury experts, and the testimony is before the committee, that we can raise between \$125,000,000 and \$150,000,000 in revenue if this bill becomes a law in the first year. If the House will adopt

this bill, we will also, in my opinion, be performing our duty to the electorate of the country, and assist in raising this much-needed revenue, to place the Nation's credit on a sound financial basis.

Needless to say, it will be a boon to agriculture as well as to various manufacturing interests, at a time when business is practically at a standstill. It will help to revive many dormant industries. Besides, the thing of most importance is to take into consideration the fact that it will give employment to a half million people throughout our land. For the information of the House, I shall now enumerate the number of industries which will benefit from the passage of this bill and also information showing the amount of revenue which will be derived therefrom.

IN SUPPORT OF THE BEER BILL—THE AMOUNT OF REVENUE TO BE OBTAINED

H. A. Huber, vice president of the Anheuser-Busch, St. Louis, Mo., and also vice president of the United States Brewers' Association, testified that the revenue from barrel beer was as follows:

Year	Number of barrels	Amount of revenue
1915	58,808,000	\$78,328,000
1916	58,633,000	88,771,000
1917	60,817,000	91,897,000
1918	50,266,000	126,285,000
1919	27,712	117,839,000
1920	9,231,000	41,966,000

The tax per barrel of 31 gallons in 1914 was \$1, and became \$6 July 1, 1919. Prior it was \$3 per barrel. There was an additional retail malt revenue tax of 25 cents per establishment where malt liquor was sold. Mr. Huber testified that under the instant act the brewing industry would soon be manufacturing and distributing 40,000,000 barrels of beer per year. At the rate of \$5 per barrel, this would give a revenue of \$200,000,000. It must be remembered that it would take some months before the brewing industry would get into those strides, but when it does it will be an easy matter to produce and sell 40,000,000 barrels of beer a year.

NUMBER OF PLANTS

In 1914 there were 1,392 operating brewers; in 1930 all that was left was 231. They are still in existence and operate under permits from the Government.

AMOUNT OF MONEY INVESTED

In 1914 \$858,000,000 was invested in the brewing business, when there was made and manufactured 66,000,000 barrels. This bill would soon put this capital and more to work again.

ECONOMIC BENEFITS

According to the Department of Census, in 1914 there was 76,893 men employed in the brewing business. It has been estimated there was a total of 400,000 more men employed in the production of materials and in the sale and distribution. These estimates are the estimates of Mr. Huber. On the other hand, Matthew Woll, of the American Federation of Labor, stated that in 1919, 1,250,000 workers were engaged in the brewing and allied industries which supplied machinery, material, and supplies to the brewing industries, employing workers in the following trades and callings: Coopers, hoopmakers, boxmakers, lumberjacks, carton workers, glass-bottle blowers, plumbers, plumber's helpers, steamfitters, steamfitter's helpers, electrical workers, machinists, molders, patternmakers, boilermakers, boilermaker's helpers, elevator constructions, automobile mechanics, carpenters, painters, bricklayers, ironworkers, steelworkers, cement-finishers, engineers, firemen, oilers, coal-passers, laborers, brewers, bottlers, teamsters, printers, pressmen, photoengravers, lithographers, bookkeepers, stenographers, clerks, salesmen, and so forth.

In addition to these must be added the thousands of workers engaged in coal mining, in the transportation industry, and agricultural workers. Mining, transportation, and agriculture are three of the basic industries of our country.

The brewing industry from June, 1916, to June, 1917, consumed 3,220,000 tons of coal. These figures are taken from a statement attributed to the coal administrator and published by the Anti-Saloon League in its official organ in 1918. To transport that coal it required 180,000 freight cars.

It required thousands of teamsters to transport the coal and grain from the railroad yards to the respective plants. Thousands of automobile trucks were used for this work.

During the same period the brewing industry consumed 3,924,585,831 pounds of grain and other farm products. This amounts, in round figures, to 83,501,911 bushels of grain annually.

These statistics were issued by the Prohibition Bureau.

There are no records available as to the number of men required to mine the coal and harvest the grain, or how many railroad workers it required to transport the coal and grain to the breweries. It is safe to estimate that it required many thousands of coal miners, farmers, and transportation workers to mine the coal, harvest the grain, and transport these products.

RELIEF TO THE FARMERS

To manufacture 40,000,000 barrels of beer the following farm products are used: 44,000,000 bushels of malt; 800,000,000 pounds of other cereals, such as rice, corn, sugar, and so forth; 30,000,000 pounds of hops.

BENEFITS FROM THE TAXES

There would be a great increase in municipal and State taxes, income taxes, gasoline and automobile taxes.

CONCLUSION

In conclusion, it is estimated that there would have to be a new expenditure of \$360,000,000 within the next year—new money—to rehabilitate the brewing plants of the United States in order to produce 40,000,000 barrels of beer.

This would involve new equipment, machinery, buildings, refrigeration, new cases, new barrels, labels, packing materials, cooerage, automobiles, trucks, advertising, stationery, and so forth.

Mr. TREADWAY. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. BRITTEN].

The SPEAKER pro tempore (Mr. REILLY). The gentleman from Illinois [Mr. BRITTEN] is recognized for 5 minutes.

Mr. BRITTEN. I am satisfied that anything that might be said on the floor of the House today will not influence any votes, nor will it change a single vote. My idea is that we are wasting 3 hours of very valuable Government time in debating this question. [Applause.] Every man and woman on the floor of the House has his or her mind definitely made up that this legislation should be enacted or defeated in the shortest possible time. I think it should be passed at once in the best interests of the National Treasury. We need the \$150,000,000 a year or more that will be collected immediately this bill passes. There are other elements I would call to your attention. Illinois, for instance, yesterday repealed all of its prohibition enforcement laws. We have no prohibition laws in Illinois. We need this modification of the Volstead Act to guide us in the development of our plans for the regulation of the traffic in alcoholic beverages.

The President last Friday requested the House to pass very important economic legislation. He did so because the Treasury is depleted. The Treasury needs the money, and this is the easiest way and the most practical way to get \$150,000,000 to \$200,000,000 a year. It will be paid cheerfully by those only who wish to pay it. I have every sympathy for States like Kansas and Oklahoma that desire to be dry. There is nothing in this legislation that makes them wet. They may do as they please about their alcoholic beverage traffic, and it should be so. I know that you will agree with me that those States which wish to be wet or partially wet are entitled to that same consideration. I said to my friend from Texas [Mr. BLANTON] a year and a half ago that unless we passed a beer bill we would be putting stamps on commercial checks and enacting all sorts of nuisance-tax legislation. He stood on the floor of the House and said it would not be done, but it has been done. We will have to

go farther than that, unless some legislation of this character prevails, because the economy bill which we passed last week will not begin to balance the Budget. We have to have revenue-collecting measures as well, and if we are successful in balancing the Budget and collecting revenue from bills like this one, we can then give serious consideration to removing all of the nuisance taxes which have been enacted in our quest for revenue-producing measures.

I hope this bill will pass immediately. It is not necessary to waste 3 hours' debate upon it. On the Republican side we have many so-called "wets" who are not even asking for time, and we have a number of dries on this side also who are not asking for time. Let us vote this bill up or down, without wasting 3 hours of Government time. [Applause.]

Mr. Speaker, this is the third time within a week that a great majority of the Republican side of this House will support President Roosevelt in his request for important legislation looking toward the balancing of the National Budget. It is by far the finest demonstration of nonpartisan politics that has been presented during my more than 20 years' service. It is a distinct evidence that Republicans and Democrats alike feel that the country is back of the new President and that he should be given every possible assistance from Capitol Hill.

In his request for a modification of the Volstead law, President Roosevelt is meeting a popular demand for a wholesome, healthful beverage, while at the same time striking a deathblow to the speak-easy, the beer racketeer, and those who are selling a poor near-beer under circumstances that would make this beverage appear to be real beer, and at an extortionate price. The city of Chicago will undoubtedly, immediately upon the passage of this bill, license such places where real beer may be sold and consumed. This act will put a large amount of money into the city treasury and will at the same time put under positive control every place or location where beer might be sold. My city is wholeheartedly in favor of the bill which is now before you.

Mr. TREADWAY. Mr. Speaker, I yield 45 minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CULLEN. Mr. Speaker, I yield 45 minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, this is, indeed, a strange period of time. When in 1917 I first came to Congress, even before I took the oath of office, I attended here in this Chamber a Democratic caucus. I never shall forget that caucus. There arose and stood over yonder near that door a man of statesmanlike appearance who made a wonderful speech. Every word of it pertained to serious problems. It impressed me deeply. He was Hon. HENRY T. RAINEY, of Illinois, who has become our Speaker of the House of Representatives. I have never forgotten what he said on that occasion. There was nothing trivial or unimportant in his speech.

Sixteen years have passed. Knott, a cartoonist little inferior to the great Berryman, has recently made a most disgusting portrayal of our distinguished Speaker. On the editorial page of the Dallas News, published at Dallas, Tex., on Tuesday, March 7, 1933, is Knott's ridiculous cartoon headed, "What This Country Needs Is Liquid Assets," attributed to the Speaker. Below is a caricature of Hon. HENRY T. RAINEY, the great statesman, the great Speaker, next in power to the President of the United States, pictured as a smiling bartender, with his white apron tied around him, and in his shirt sleeves, busily serving, with waiter in his hands, a huge mug overflowing with foaming beer. And across the white apron of this bartender are the words "Speaker RAINEY."

I resent the implication of this cartoon. Just under it is the admonition, "Read editorial, 'Something Besides Beer.'" And attached to this cartoon is the following editorial, written by the editor of the Dallas News:

SOMETHING BESIDES BEER

The contribution of Speaker RAINEY to the situation which is rapidly centering war-time powers upon the shoulders of the new

President is that he hopes to see beer legalized. The banks need steadying, and Mr. Roosevelt and the financiers of the country are bending every thought to that end, but Speaker RAINEX is interested in beer. While the whole country hangs upon the solution of matters of moment that embarrass commerce and hinder the ordinary routine of daily existence, the Speaker recommends beer. Millions ask for a safe, available, and stable medium of exchange whereby they can keep business going, build up the structure of industry, and maintain American homes, but the parrot voice of RAINEX pipes up with the repetitious cry of "beer"!

The President, however, does not seem to believe that the key to the situation is a bungstarter. Promptly calling Congress to convene on Thursday next—as, indeed, he was almost bound to do—he set about submitting a program for immediate and effective action. In short, he proposes to provide that Executive leadership which the country has lacked these 4 years gone.

The framework of American Government was designed to restrain a strong Executive, it is true, but it was built also for an Executive strong enough to need restraint. Our high days as a Republic have come under our strong Presidents. When weak men dwell in the White House the checks and balances of the Constitution become something out of which to build an alibi. The constitutional inabilities of such men are largely of their own confessing. Franklin Roosevelt is ready to exercise power to the full—and to be held accountable for it. Any other spirit would be futile; indeed it might be almost fatal. In the courage of the President, America takes heart.

The Dallas Morning News is the greatest outstanding daily newspaper in the State of Texas. It has never been dry. It has always been wet. It assumed, as I did, that no beer message would come from the White House in this crucial hour. It assumed, as I did, that business of more importance than beer would come before this House. But neither our President nor our Speaker must be censured too severely. They have been overwhelmed with this frenzied cyclonic clamor for beer. It must run its course. Then former dries, now voting wet, will resume dry voting and help us to repair the damage.

It is just such cartoons and editorials which have caused the people to have contempt for Congress. They are thus influenced to believe that Congress is fiddling while America burns. The ones who distinctly remember believe that beer just now is the worst curse Congress could bring upon the people. I resent such pictures as we see in this morning's press of my good friend, the great chief from New York [Mr. CULLEN], the present leader, who today has bodily taken over the great Ways and Means Committee, whom we all love—the author of this bill. He has not only deposed our friend DOUGHTON, chairman of the Ways and Means Committee, but he has also taken the floor away from our Democratic majority leader, who ought to be handling all emergency legislation from this floor. Thus in the press today Mr. CULLEN, with our good friend, that eminent scientist, Dr. SIROVICH, who not long ago admitted here that he could improve on God Almighty's formula for milk, are pictured, bungstarter in hand, opening a keg of real beer. Thus they were pictured as presenting a glass of beer as the paramount thing of greatest importance to the American public.

My friend from New York [Mr. CULLEN] brought in this bill this morning that was not even numbered. If he had not been high up in the councils, he could not have gotten it printed, because you cannot print a bill until it has been introduced. His bill was printed before it was introduced—introduced here this morning out of his hip pocket. There was a hurried meeting of the Committee on Ways and Means, and "immediately" he had that committee report it out. Good heavens, they did not even have time to read it! But in behalf of my friend from New York [Mr. CULLEN] let me say he did not have the effrontery to insult the American people with any declaration in this bill that the beer that is intended to be manufactured by this legislation is not to be intoxicating. He did not declare in this bill that this beer is not intoxicating. That would have been a farcical comedy.

Mr. O'CONNOR. Did the gentleman read the title of the bill?

Mr. BLANTON. Oh, the title does not count and is no part of the legislation. It is what is in the bill.

Mr. CULLEN. Of course, the bill was read, every line of it, by the Clerk.

Mr. BLANTON. Oh, yes; scientifically, just as our reading clerk sometimes hurriedly reads a bill. It was not carefully considered. But I must commend him for the gentleman did not declare it was not intoxicating. That would have been the last straw.

Mr. CULLEN. The language is what is in the bill.

Mr. BLANTON. But the gentleman knows it is to be intoxicating, does he not?

Mr. CULLEN. Mr. Speaker, in answer to the gentleman—

Mr. BLANTON. The gentleman knows it is to have plenty of thrill in it, does he not? [Laughter.]

Mr. CULLEN. I want to say the bill speaks for itself.

Mr. BLANTON. Certainly. Why did you leave the District of Columbia out? Why did you not provide this foamy, 3.2, nonintoxicating, innocent beer for the District of Columbia?

O Mr. Speaker, I want to say to my new friends here—164 of them—do I appear to be a fanatic because I am fighting a beer bill? Am I a fanatic because I am opposing a beer bill? Has the time come in the history of this Nation when a man cannot stand against intoxicating-beer saloons without being called a fanatic? I want to say to you 164 new Members of this House, do not ever get it into your heads for one minute that beer sent you to this Congress. It did not send you here. If it sent you here, why did it leave that great wet leader, Senator Bingham, in Connecticut? Why did it leave the author of this bill in the Senate, wet Senator Blaine, at home in Wisconsin? Why did it put the servant of the liquor interests here, who every time he opened his mouth spoke in their behalf, John Schafer, back in Milwaukee? Why did it leave Chindblom back in Chicago and Igoe in Illinois?

Mr. BRITTEN. Will the gentleman yield?

Mr. BLANTON. Why did it almost leave the great wet leader, FRED BRITTEN, in Chicago? [Laughter and applause.] Why did it deny the White House to that great democratic Democrat, Al Smith, in 1928? Did he not stand for beer? Did he not stand for hard liquor? President Hoover stood for the eighteenth amendment and against the saloons, and this country went for him and against Al Smith by as great a majority as it recently went for Franklin D. Roosevelt.

Mr. CELLER. And where did it leave Hoover?

Mr. BLANTON. Oh, it was not beer. It was "the new deal."

Mr. BRITTEN. Will the gentleman yield?

Mr. BLANTON. In just a moment, please. I know this bill is going to pass. [Laughter.] If I could have stopped this bill by objecting this morning, it would have been stopped, and you know it. A man who has held well-defined principles upon which he has spent his whole life does not change them overnight.

I respect your views. I know that many of you think just the opposite from my views on this question. I believe you are in earnest. I respect your views, just as I want you to respect mine, but I want to say to you this: The same public sentiment that is now behind this beer, as you think, coming, as you think, from most of the people of the United States, can change overnight. Whenever you begin to put the beer saloons back, whenever you begin to put beer gardens over the country, whenever you begin to put road houses along 60-mile highways, you are going to find that the fathers and mothers of this country are going to wake up and sentiment is going to change. Then other things may change.

Mr. BOYLAN. Will the gentleman yield?

Mr. BLANTON. I always yield to my friend from New York, because he is a squareshooter. He thinks just the opposite from my views on this question, but he is fair, and he is Irish and I am Irish, so I yield.

Mr. BOYLAN. The gentleman knows I respect him and respect his views.

Mr. BLANTON. As I do the gentleman's.

Mr. BOYLAN. The gentleman knows that the regulation as to the sale of beer, as to the places, and so forth, will be entirely in the hands of the respective States.

Mr. BLANTON. The gentleman knows that if he did not have an opportunity of walking up to the rail and putting

his foot upon it and taking a few with his friends, and then, "Oh, let's have another one before we go," and "Oh, let's have another one," the gentleman knows he would not want this bill, and if it did not intoxicate he would not have it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. CULLEN. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Speaker, on November 8 this country from coast to coast, from the Atlantic to the Pacific, from Canada to Texas, delivered a mandate to the President and Congress in clear-cut and unequivocal language, and that mandate was that the American people are definitely through with prohibition.

Both major parties contained planks in their platforms based upon existing sentiment; yes, dictated by the existing sentiment in America calling for repeal of the eighteenth amendment. The phraseology of the Republican platform was ambiguous, but the Democratic platform in clear and concise language contained the plank of that great Democrat and great American, Alfred E. Smith, calling for the repeal of the eighteenth amendment and in the interim the modification of the Volstead Act. [Applause.]

That straightforward plank committing this great political party to definite action, in my opinion, more than anything else resulted in the seating in this House of the unprecedented majority of the members of my party. [Applause.] That time is now here to redeem that pledge, and I trust that the Members of this Congress will make the proposed legislation a law with the same alacrity with which they responded to the two first bills proposed by the President of the United States. [Applause.]

This is the first revenue-bearing act offered to this Congress. We have passed legislation to correct the banking situation. We have passed emergency economy legislation. But this is the first legislation to be presented to Congress which points out the way for sorely needed revenue for our National Treasury. The proposed legislation would tax the products of beer at \$5 a barrel. Based upon corrected and compensated statistics, the annual production of beer would amount to 40,000,000 barrels. This would bring in an annual revenue of \$200,000,000 from the direct manufacture of beer alone. This would become quite an appreciable assistance in the herculean task of balancing the Budget.

Not only that, my friends; it would also bear a State tax and, eventually, a municipal tax. Sitting here in Congress, I wonder if these gentlemen fully realize the situations in our respective States back home. I represent four cities and two large wards of another city for the metropolitan district of Boston. These are largely residential communities, where the basic and almost sole burden of taxation is borne primarily by the home owner. The average tax rate in those cities is between \$35 and \$40, and the assessments are high, although it is fair to estimate that real estate has depreciated about 50 percent. Still assessments have not fallen but have tended to go up, because struggling municipalities have had no other recourse but to this in order to raise the immense revenue demanded by the present abnormal conditions. Revenue of any form will assist these municipalities and consequently reduce the burden of taxation being carried by these small-home owners. Hundreds of foreclosures because of inability to pay taxes, water rates, municipal service rates, and interest on mortgages are being effected every day with the consequent centralization of real estate into the hands of banks and mortgagees. This bill will not only increase the actual value of some real estate and produce a revenue therefrom; it will also draw out a revenue from the fees for licensing and permits for those places that will eventually be authorized to retail this product.

Moreover, this bill will tend to lift from the backs of the overburdened taxpayer some of the millions of dollars annually spent by our Government in a vain endeavor to enforce an unenforceable act.

Few of the breweries now in existence are in a position to operate immediately when this law is passed. It means rebuilding of plants, renovating, overhauling, the installation of new machinery, and immense expenditures for rehabilitation of plants. On the most reliable information I am informed that in my own section of the country, New England, there are 16 breweries ready and 59 getting ready to go into operation at an estimated expenditure of \$70,000,000, and that they will be prepared to employ in a short time some 15,000 workers.

Three hundred and sixty millions of dollars will be spent within 1 or 2 years on this development. It would mean spending \$75,000,000 for materials, \$12,000,000 for new beer cases, \$15,000,000 for bottle manufacture, \$5,000,000 for labels, crowns, and packing cases, \$40,000,000 to \$50,000,000 for new cooperage, \$15,000,000 for new automobiles and trucks, and \$16,000,000 to \$20,000,000 for advertising annually. This is the estimated expense of the brewing trade alone. It is, of course, unnecessary to remind the Members of the tremendous stimulus to business this expenditure would mean and the pronounced effect on economic recovery which it would produce. The production of materials for beer is almost as broad as the expanse of this Nation. Eight hundred million pounds of barley and rice from the Dakotas, Minnesota, and Iowa would be required; 30,000,000 pounds of hops from Washington, Oregon, California, and New York State would be required; oak timber from Arkansas and the Southern States would be needed—oh, my friends, it is impossible to realize the tremendous and far-reaching effects which would be produced by this legislation.

I have referred to the revenue-producing aspect of this bill for the State, city, and Nation. But the most compelling reason for the passage of this legislation is to send away the word that Congress has taken the first step to provide employment to a portion of those 11,000,000 men who are idle, not because of their own volition, not because of their incapacity to work, but because of a disordered society whose victims they are.

It is estimated that the opening up of the breweries and the retail distributing houses will put to work 300,000 men. But that does not take into account the coopers, railroad men, farmers, coal miners, and hosts of others that will be furnished employment. Mr. Woll, the labor committee's representative for the modification of the eighteenth amendment, has estimated that this legislation will put to work, not immediately but before long, 1,000,000 of those 11,000,000 unemployed men and women in brewing and associated industries. There is no corner of this Nation so small that it will not be benefited by this legislation, nor is there any city so large that it will not feel the beneficial effects of this change.

The Ways and Means Committee has heard physiologists, scientists, toxicologists, chemists, and other noted men of science and medicine who have testified upon matters relating to the constitutionality of this proposed bill. It is reasonable to assume from their testimony that 3.2 per cent beer is nonintoxicating in fact and that the passage of this act will not violate existing law and will not be interfered with by any court in our country, including the United States Supreme Court.

It is true that passage of this legislation will not constitute a panacea for the unemployment problem and the panic conditions, nor will it eliminate all of the evils that have been brought about by the Volstead Act. But it is fair to assume that it will go a long way toward ameliorating the present critical conditions.

Give to the people beer made under properly controlled and hygienic laboratory conditions. Add to the Nation's revenue the \$200,000,000 that would be collected from this source. Create a better social and moral atmosphere by, if not the elimination, at least the control to a degree, of the law violator, the thug, and the racketeer who are today engaged in the beer business, placing it back into responsible, legitimate hands under Government supervision and

control. Give to the people the honest employment to which they are entitled so that they may be freed from the demoralizing effects of the public-welfare lists. Put an honest week's wages in their pockets so that they may again acquire renewed courage, hope, and self-respect. Give the Nation's industries and workers this opportunity to again stand on a sound and stable basis and allow the vast benefits of this legislation to accrue immediately to the benefit of our common country. [Applause.]

Mr. CROWTHER. I yield 15 minutes to the gentleman from Kansas [Mr. GUYER.]

Mr. GUYER. Mr. Speaker, I was just thinking what a tragedy it was that so fine a young man with a ringing voice like that of the gentleman who just stood here should make his maiden speech upon this floor in behalf of beer. He spoke of the mandate of the American people upon liquor. I want to tell you that Mr. Roosevelt or anyone else on the Democratic ticket could have been elected this year upon a platform that declared for the repeal of the law of gravitation.

He talked about the clear-cut platforms. There was one thing clear-cut in both platforms. The Democratic platform promised to "effectively prevent the saloon." The Republican platform declared to "safeguard our citizens everywhere from the return of the saloon."

The passage of this bill insures the return of the saloon in New York, in New Jersey, and all of these States where it will take effect at once. What if it does not? I think it would be better for the beer to be sold in a saloon than to be sold in drug stores, restaurants, and filling stations, but there is nothing in this bill that guides or controls the distribution or sale of liquor. That makes the saloon inevitable.

I want to call the attention of this House again to two fundamental principles involved in this bill. One of them should attract the attention of every man upon this floor—because the men upon this floor have more than ordinary intelligence, notwithstanding what has been said about us in the newspapers now and then—and that is that this bill is contrary to the fundamental law of this land, the Constitution of the United States, and this law nullifies the Constitution by act of Congress.

You remember what your great Democrat, Andrew Jackson, said to John C. Calhoun down here at the old Southern Hotel 101 years ago. This law goes further than John C. Calhoun ever went upon nullification, and John C. Calhoun was standing back of great principles—the principles of great political leaders. That question was settled long ago. This is a nullification of the Constitution. As has been said here again and again, the beer provided by this bill is intoxicating. No sincere man will contend that intoxicating beer will not be sold. The Constitution forbids the manufacture and sale of intoxicating liquor. This bill provides for that very thing, hence means nullification.

Another thing to which I desire to call attention is the oath we take as Members of this House. I do not think any man here, any more than myself, would knowingly and intentionally violate his oath of office; but we took a solemn oath to support and uphold the Constitution of the United States, and if you vote for a bill that nullifies a part of the Constitution you are, in my opinion, not observing your oath of office.

We say we need the money. Abraham Lincoln, in 1862, signed a bill which imposed an excise tax on liquor; and when he came to sign the bill he held his pen up and hesitated, saying, that if he believed it would not be repealed after the necessity for it was gone, he would never sign it because he had seen so much of the degradation produced by whisky and liquor in his time that he did not think the Government of the United States should share in crime for a price, to sell a poison to its citizens that degrades manhood and condemns women and children to lives of wretchedness and despair.

Mr. MAY. Mr. Speaker, will the gentleman yield for a question?

Mr. GUYER. Yes.

Mr. MAY. Would the gentleman prefer that the revenue from the liquor traffic should go to the bootleggers of the country rather than to the Government of the United States?

Mr. GUYER. I would rather it would not go to anybody. Because some bootlegger makes money out of this is no reason why the Government of the United States should divide the swag with the outlawed liquor traffic in contravention of the Constitution of the United States.

Mr. CROWTHER. The answer to that is that if there were no customers there would be no bootleggers.

Mr. GUYER. Yes.

Mr. LEE of Missouri. Is it not true that the principal industry in that part of the gentleman's State contiguous to my State is the manufacture of bootleg whisky for sale to the people of Missouri, Oklahoma, and Arkansas?

Mr. GUYER. No; the gentleman knows very well that is not so. I was mayor of a city of 100,000 people, and we were right up against Kansas City, Mo., which had 32 saloons in one block, and know how much Missouri depends upon Kansas for booze.

Mr. LEE of Missouri. It is your chief product today.

Mr. GUYER. The gentleman either does not know what he is talking about, or he is depending upon utterly false information. The part of my district contiguous to his does not produce liquor enough to supply one Missouri bootlegger.

Mr. LEE of Missouri. I assure the gentleman I do know what I am talking about.

Mr. GUYER. Mr. Speaker, I do not yield further. My district is right on the border, and I defy any man when he says that the chief occupation of my district is the manufacture of bootleg whisky. It is not true, and every intelligent person who is informed knows it.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. GUYER. I yield.

Mr. BRITTEN. I realize fully from my experience with the gentleman from Kansas that he is a sincere dry. With this knowledge in mind, how does the gentleman know whether 3.2 percent beer is intoxicating and how does the gentleman know whether any liquor is being sold in his district or not? The gentleman would not know liquor if he saw it in a glass.

Mr. GUYER. I know the effects of it [laughter], and I can observe those who use it; and I know that the officers in the State of Kansas enforce the law in the counties that are along the Kansas border in my district.

Mr. BRITTEN. Will the gentleman yield again?

Mr. GUYER. Yes.

Mr. BRITTEN. Is the gentleman suggesting to the House that liquor cannot be purchased in Kansas?

Mr. GUYER. No; you can commit murder in Kansas in 15 minutes any place, and you can break any law there, including the prohibition law, but few laws are better enforced.

Mr. BRITTEN. That is not an answer to my question as to whether liquor is sold in Kansas.

Mr. GUYER. Certainly; it is sold in every State in the Union to some degree. All laws are violated, but every day men are arrested for violations of the prohibitory law as they are for other violations.

Mr. BRITTEN. Yes; and it is sold all over the State of Kansas.

Mr. GUYER. Not all over the State of Kansas. It is enforced as well as other laws in Kansas.

Mr. BRITTEN. And the gentleman knows it.

Mr. GUYER. No; I do not.

I am utterly surprised at the stupidity of you wets. [Laughter.] Let me tell you something. From the day when you pass this beer bill the repeal of the eighteenth amendment is doomed [applause], because the excesses under it will so disgust the people that even those who are inclined to favor repeal will not do so; and you watch the history of this matter now.

Now, you say we want the revenue and we want it for the good of the people of the United States. I have the greatest admiration for the President of the United States.

I believe he is sincere, I believe he wants to help the poor people of this country, but I can not understand his logic when in this great crisis, with all the banks of the country closed, he comes here and asks us to pass a beer bill for the relief of the country.

Who is going to pay the tax on this beer of \$150,000,000? Why, you see it is the poor man's drink. The laboring man is going to drink this beer. Who is going to pay at least two thirds of this tax? Why, it is the laboring man. Two out of every three nickels that go into the brewer's big box are going to come from the laboring man—the man above all others who needs this money at this time.

I do not think I ever lost very much sleep worrying about the future or the perpetuity of the Democratic Party. I could not truthfully say that I have. But I want to call the attention of the Democrats here to something that was told you by one of the greatest of Democrats, I think, who served in this House during my time. He told you this at the Houston convention in 1928. I know that every man on this floor has profound respect for our beloved colleague of a few years ago, Mr. Crisp, and I want to tell you what he said to the Democratic convention at Huston, and you had better remember what he said. I do not know whether I can read this very well or not. I am not very much used to reading Democratic speeches, but I will try to do the best I can.

Mr. PALMISANO. Will the gentleman yield?

Mr. GUYER. Not now; do not interrupt Mr. Crisp;

Democracy will not compromise with error.

He is talking about prohibition:

Ladies and gentlemen, since the birth of the Nation there have been two great moral issues before our people. One of them was slavery. I am a southern man. My forebears were slave owners, which was authorized under the law. Therefore, what I say is intended in no way to be a stricture on the gentlemen of those old days. The party to which I belong and its predecessor—

He means the Whig Party and the Democratic Party—

and the Republican Party for years prior to 1860 endeavored to compromise with the great moral question of slavery. In 1860 the Republican Party assumed the responsibility of denouncing slavery and took a bold stand on slavery. They did not compromise and they won the election; and from that time to this only two Democrats have been elected to the White House—Grover Cleveland and Woodrow Wilson—and history will record them as two of the greatest Presidents of the United States. [Applause.]

I add my sentiments to those of Mr. Crisp:

Today another moral question is before the American people, and the Democratic Party, as I understand it, cannot afford to compromise with this question.

Mr. O'CONNOR. Will the gentleman yield?

Mr. GUYER. Yes.

Mr. O'CONNOR. The gentleman would not say that the Democratic Party is compromising with the prohibition question when we are about to repeal the eighteenth amendment?

Mr. GUYER. You are doing worse than compromising—you are absolutely, whole-heartedly on the side of repeal and the saloon; and if the Democratic Party wants to change its emblem from the old, venerable jackass to the beer keg, it can do it as far as I am concerned. [Laughter and applause.]

Mr. CELLER. Will the gentleman yield?

Mr. GUYER. No; I have not time now.

Every Sunday evening the President has a kind of vespers service over the radio, and I am glad he is doing this. He inspired great confidence in the people last Sunday night. You know, I did not vote for him, but when he was elected he became my President, and when he speaks, he speaks to me with the voice of 120,000,000 American people. I suggest that at the vespers service on next Sunday night, he talk about beer.

[Here the gavel fell.]

Mr. CROWTHER. Mr. Speaker, I yield the gentleman 2 minutes.

Mr. GUYER. I know how his ringing voice will come to the people as he says, "O ye that thirst, come and drink

of this Democratic water. Eat at the free-lunch counter, drink, and be merry, because we need the revenue."

Now, seriously, I do not believe that this bill should pass, but "God moves in a mysterious way His wonders to perform," and I am sure of this one thing, that if you pass this beer bill today the repeal of the eighteenth amendment will never occur.

Mr. CELLER. Will the gentleman yield?

Mr. GUYER. Yes; I will yield.

Mr. CELLER. If the passage of this bill will prevent the repeal of the eighteenth amendment, why is the gentleman against it?

Mr. GUYER. First, because it is in violation of the Constitution of the United States, and I believe it to be in violation also of my oath of office.

Mr. ADAMS. Will the gentleman yield? In order to enable me to cast an intelligent vote, I would like the gentleman's opinion as to what alcoholic content would be permissible under the Constitution.

Mr. GUYER. Anything that does not intoxicate, and that is up to the courts.

Mr. ADAMS. What right have the courts to fix the alcoholic content?

Mr. GUYER. The courts do not fix the alcoholic content but they may decide whether the sale of a liquor violates the provisions of the Constitution.

Again I say I am surprised at the monumental stupidity of the liquor interests that press with breathless haste this measure of nullification. Their stupidity was responsible for the eighteenth amendment and their stupidity at this time in pressing this measure will forever prevent the repeal of the eighteenth amendment. The excesses and the flouting of the Constitution and laws will end in the disgust of the people with lawlessness. For example, this bill makes no provision for the sale and distribution of beer. Of course, that means that it will be sold in saloons. The saloon with its excesses forced the enactment of the eighteenth amendment to the Constitution, and now this beer measure will in its turn prevent its repeal. There is in the mind of the people a deep-seated hatred for the saloon and this will be a most powerful argument against the repeal of the eighteenth amendment. [Applause.]

Mr. CULLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. LEE].

Mr. LEE of Missouri. Mr. Speaker and ladies and gentlemen of the House, I have been much amused at the speech of the gentleman from Kansas. If I were to take the Representative of the biggest part of Kansas, I would take Mr. McGugin. But if we took the industry that brings in the most money, I should say it was the bootleg-liquor industry.

Mr. GUYER. Will the gentleman yield?

Mr. LEE of Missouri. I yield.

Mr. GUYER. The report is that Bourbon County produces \$1,000,000 worth of milk a year. Does the gentleman mean to claim that bootleggers produce more than \$1,000,000 worth of bootleg liquor?

Mr. LEE of Missouri. If you bring them up here they would sell \$10,000,000 worth, and if the milk was put out by the dairies in Washington, D. C., it would bring in ten millions, too. Now, I want to state what happened in Kansas, where the gentleman is from. In Crawford County, where Girard is the county seat, actually less than 3 years ago they had liquor for sale in the jail to the prisoners. I saw that myself.

Mr. SIROVICH. Will the gentleman yield?

Mr. LEE of Missouri. Yes.

Mr. SIROVICH. Was not that sale of liquor to the prisoners to keep up their spirits? [Laughter.]

Mr. LEE of Missouri. They have a law there which provides that if a man is put in jail and he does not pay his fine, he stays on and on, and the longer he is there the longer he has to stay.

Now, I want to answer the gentleman who spoke of the jackass as our emblem. The jackass is our emblem, and it has filled a long-felt want in this country; but your party is represented by the elephant, and he never did anything

but go on dress parade at 50 cents per. I thank you. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. Beck].

Mr. BECK. Mr. Speaker, I ask the indulgence of the House, as I am just recovering from an attack of flu which has kept me in my house for over 10 days. I doubt very much whether I shall have the strength to take the time allotted to me, but I have been identified with this movement that is now reaching its culmination from the time I first had the privilege of coming into the House, and I should dislike to have a debate on this measure concluded without an opportunity again to state my credo in respect to the particular measure.

In the first place, I take issue with one statement that our esteemed colleague, Mr. BRITEN, of Illinois, made when he regretted that there should be any debate upon this question. I hope the time will never come when any important measure comes before this House, even though the result of the vote is clearly foreshadowed, that opportunity for debate by both the majority and the minority in respect to the question shall be denied. After all, this is a deliberative body, and nothing is gained by jamming anything through on the theory that the result of the vote is clearly foreshadowed. There is a value in such discussions, for we are the great forum of the Nation in discussing public policies.

Mr. Speaker, I quite agree that if this is a nullification of the eighteenth amendment, no revenue necessities of the Government can justify a vote on the part of any Member in favor of the passage of the bill; but I think the contention that it is such a nullification, in the sense that it is an exercise of power contrary to the Constitution, is a superficial view of what the eighteenth amendment provided. If the eighteenth amendment, in its second section, had said "Congress shall enforce this provision by appropriate legislation", then there would be much force in the argument that a mandate had been imposed upon Congress, which no Member of the House could ignore without a palpable violation of his oath of office. But the proponents of the eighteenth amendment, for reasons that I have elsewhere explained and have not the time today to explain again, did not make such a provision.

On the contrary they said, "Congress shall have power", and so forth, and those were the apt words consistently employed in the Constitution to vest a legislative discretion in Congress as to how it should be enforced; and the extent, if any, of such enforcement and this legislative discretion involves the power to define what was not defined in the eighteenth amendment, and that is what is in fact and from practical usage an intoxicating liquor. That view of the Constitution was sustained by the Supreme Court in the case of *Rupert against Caffey*, where in a very illuminating opinion of Justice Brandeis it was clearly held that the Congress has a legislative discretion to mark the line of alcoholic content above which a liquor cannot be manufactured or sold and below which it can be manufactured or sold; and if, therefore, we are exercising a legislative discretion vested in us by the eighteenth amendment to the Constitution itself, then it is wholly misleading to talk of "nullification" or to accuse Members who are trying to do their duty as they are permitted to see the light of violating their oath of office.

I will call attention to what Justice Brandeis said:

The decisions of courts as well as the acts of the legislature make it clear, or at least furnish good proof, that Congress reasonably might conclude that a rigid classification of beverages is an essential of either effective regulation or effective prohibition of intoxicating liquors.

That is, that the legislature not only had the right but it was essential to the enforcement of the law that there should be a rigid classification. Then he goes on to say, discussing the point in *Rupert against Caffey* that—

even though the beer in that case was nonintoxicating in fact, there was this field of legislative discretion where, if it were essential to enforce the prohibition, they could go below what was nonintoxicating in fact.

Finally, Justice Brandeis, speaking for the great Court, said:

It is, therefore, clear both that Congress might reasonably have considered some legislative definition of intoxicating liquor to be essential to effective enforcement of prohibition but also that the definition provided by the Volstead law was not an arbitrary one.

I do submit that bears out my thought, not merely as to this field of legislative discretion, free from judicial interference within its boundaries, but also that the limit of judicial power is simply to forbid such abuse of that legislative discretion as might be conceived to be arbitrary.

With respect to the bill that is now brought before us, I am in entire sympathy with its objective. I think it is unfortunate that in form it did not plainly and affirmatively exercise this legislative discretion to validate beer or malted liquors whose alcoholic content is not in excess of 3.2 percent on the theory that it was nonintoxicating in fact. In that event there could be little or no doubt, if the case reached the Supreme Court, that the Court would again sustain the Congress in the exercise of a legislative discretion. However, the authors of the bill preferred to take another course, which I think is less tenable, but is nevertheless justified, because if it be true that the expression "Congress shall have power", vests in the Congress the power to determine to what extent, if any, the objective of the first section of the eighteenth amendment shall be carried out, then the method adopted in the proposed bill is also within the legislative discretion of the Congress, because it simply repeals the enforcing statutes in respect to any malted liquor that is not in excess of 3.2 percent in alcoholic content. Congress could, if it so deemed it expedient, repeal the entire Volstead law. Thus it can repeal it in part.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. BECK. Yes.

Mr. O'CONNOR. Even if the so-called withdrawal method is used, does not the gentleman think that a legislative declaration would have helped the bill a great deal?

Mr. BECK. If a case should reach the Supreme Court to test the validity of this law, I think it would have been very helpful if the bill had done that. Such a declaration was in the bill drawn by the gentleman from New York [Mr. O'CONNOR], and in which I collaborated, for it contained a clear declaration of this Congress that 3.2 percent beer was not intoxicating in fact. To such a declaration the Supreme Court would give great respect, and it would not reject unless it was clearly arbitrary.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. BECK. Yes.

Mr. CELLER. To ask the gentleman whether or not he could enlighten the House as to how this question could be tested in the Supreme Court at all.

Mr. BECK. That is a very difficult question. It would not be easy to test it, but if it is tested, I venture the prophecy that the Supreme Court will not invalidate the act which this House will soon pass.

Mr. CELLER. Could the act be tested upon the criminal side at all?

Mr. BECK. I think it could be tested in a collateral way in a civil proceeding and the Executive could institute a prosecution, which could reach the Supreme Court. As to the civil proceeding, if A sued B for the purchase value of some beer, and B defends it on the ground that the sale is against public morals, and the contract is thus non-enforceable, the validity of the statute could be called in question, and it might conceivably reach the Supreme Court. We have not come to that bridge yet.

Mr. BLANTON. Would the gentleman yield for one dry question?

Mr. BECK. Yes, I yield.

Mr. BLANTON. On the declaration of legislative intent, does the gentleman hold that if Congress were to declare in this bill that pure rye whisky, 20 years olds, is nonintoxicating, the Supreme Court would pay any attention to that declaration?

Mr. BECK. Certainly not. Certainly not. I thought I had made my meaning perfectly clear, even to my good and very dry friend from Texas—that this field of legislative discretion has boundaries and is one in which arbitrary power cannot be exercised. In the quotation from Rupert against Caffey it was there stated that as long as the act of Congress was not arbitrary, its decision as to what was and what was not intoxicating would be accepted by the Supreme Court.

Mr. BLANTON. Will the gentleman yield for another question?

Mr. BECK. No; I cannot yield any further. I would like to. I have great esteem for the gentleman from Texas. I hold him in so high a regard that I think he is a man of exceptional courage in this House, and it delights me always when he arises as he sometimes does, when he is in a minority of one. Another Athanasius contra mundum. He always has the manhood to stand up for his convictions, and if I had time, I should like Mr. BLANTON to interrogate me to the very end, although I am not unappreciative how sharp and possibly unanswerable some of his questions might well be.

I was about to say that this question of what is intoxicating liquor is necessarily a legislative question, because it turns upon a consideration of relativity. By "relativity" I mean that the alcoholic content that would intoxicate a child would never intoxicate a grown man, so that legislative wisdom must take the usual uses by normal men under normal circumstances, and then determine what is within the mischief of the first section of the eighteenth amendment, as a difficult and very practical question. Beer at 3.2 might conceivably intoxicate some people, and especially if used to great excess. I will illustrate, if you will allow me to break up the seriousness of this debate, with a little story which so illustrates the point of the intoxicating character of the beer, that with that I can rest my argument that this Congress is constitutionally competent to pass upon it.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. Beck] has expired.

Mr. CROWTHER. I yield 3 additional minutes to the gentleman from Pennsylvania, Mr. Speaker.

Mr. BECK. The story deals with the case of a man who was on trial in a criminal court, and the defense was that he was intoxicated, and therefore irresponsible; and the proof was that he had taken a couple of bottles of beer. Its intoxicating power was denied. The issue then came whether taking a couple of bottles of beer would make a man intoxicated so that he would be mentally irresponsible. They put a brewer on the stand as an expert on that question. Thereupon the district attorney interrogated him as follows:

Q. What is your name?—A. My name is Jacob Schmidt.

I use an imaginary name.

Q. What is your business?—A. I am a brewer.

Q. Do you know anything about the qualities of beer?—A. Vell, I told you I was a brewer.

Q. How many bottles of beer do you drink?—A. Vell, I get up in the morning and at breakfast I may take 3 or 4 liters of beer. Then after breakfast I go down to my brewery and I sample my goods with the customers. Vell, I may take 8 or 10 liters of beer in the morning. I go home for lunch and I have some beer with the soup, some beer with the salad, beer with the meat, some with the cheese, and with the dessert. I sit down for some pinochle, and I might drink 5 or 6 liters of beer. Then I go back to the brewery, and I might drink some more liters of beer. I come home to dinner and I have some more beer at the dinner, and after dinner I play some more pinochle. Vell, I may drink 8 or 10 liters of beer.

The district attorney interrupted by saying:

Now, stop a minute. I have been checking up on you, and I find you drink, according to your statement, about 48 liters of beer a day.

The brewer replied:

Vell, it might be more or it might be less, but I drink about 48 or 50 liters a day.

Q. Now, with that knowledge, will you kindly tell his honor and the jury whether a man could get drunk on beer?

After some moments of deliberation, Mr. Schmidt solemnly replied:

Vell, he might, but he would have to make a hog of himself.

[Laughter.]

I am very confident that the Supreme Court would not disturb 3.2 beer, and would accept it out of respect to a branch of the Government that had investigated it.

Leaving that argument aside, the term "intoxicating liquors" being the expression chosen, requires obviously a legislative definition. What do we mean by it? I gave one possible interpretation which carries the thing to such extremes—I mean in prohibiting even the slightest trace of alcohol. I do not think that would ever be adopted. The fact is like the drawing of the deadline; the question of what is intoxicating liquor is a question of practical statesmanship. As a question of practical statesmanship, what do we mean by it? Do we mean every pathological reaction to a glass of wine or beer, or do we mean something that goes much farther in disturbing the responsibility of a man who drinks it?

The difference between the two I can illustrate by one quotation from the Scriptures, and by another from another form of scripture to me, and that is Shakespeare.

The Scriptures say, "Wine that maketh glad the heart of man." Everybody knows, if you take a glass of wine, unless you are not normal, there is a sense of well-being. If you felt unkindly to the world, if you take a glass of wine you will have a little more kindly view afterwards. You can see that in any public banquet.

Tired business men in the big cities came in in the old days. They would be silent and morose in having to come out to a public dinner; but by the time they had a glass of wine, there was a crescendo in the conversation; and by the time the speakers arose, their auditors could follow with a quickened intelligence what the speakers were saying, and the joke that might not have seemed so funny before they drank champagne suddenly became witty.

It is the attitude embodied in the scriptural phrase, "Wine that maketh glad the heart of man."

It has had that recognized effect from the dawn of history down. Nothing is so amazing to me that whereas in Syria and Palestine the wine vintage was the glad celebration of the year, we should take the Puritanical ground that wine is so bad that one is subject to the danger of going to jail for merely possessing it. But that is another question.

What was the Shakespearean quotation to which I desire to call your attention? It was that pathetic scene in Shakespeare's Othello, where Iago got Cassio drunk and that part of the story turned the whole story of Othello and Desdemona in a tragic channel. Cassio, at a pathetic moment, said:

O God! that men should put an enemy in their mouths, to steal away their brains!

You cannot misunderstand what that means. That means that intoxication has taken away a man's brain and he is no longer responsible. He may be maudlin, silly, provoking quarrels, or dead to the world. Now, I do not say that intoxicating liquors mean only that which carries to the full Cassio's lament. I say as a measure of practical statesmanship, in defining intoxicating liquor, you must somehow draw a line as a practical matter between that which really will abate the great mischief which the eighteenth amendment has done and which will leave men to lead their lives in their own way, without undue interference of government. You cannot define that. That is one of my illustrations. You cannot put in words a line of demarcation. It has to be by exclusion and inclusion. Of course, I am not contending now that intoxicating liquors mean only liquors that would not intoxicate if used by a normal man in a normal way.

I was about to say—and I am almost through, because I have trespassed too long upon your patience—I was about to say that when you come to the question of malted liquors

of a percentage of 3.2, I have already indicated my opinion that it is within the field of legislative discretion.

The question then is, Within the field of legislative discretion, what should the individual legislator do under his obligation to support the eighteenth amendment? You cannot argue from the extreme case, whether a 1-month-old infant would be affected by one half of 1 percent, or in another case a man would have such a prodigious absorbing capacity he could drink many bottles of beer without being affected at all. You cannot take extreme cases. As a matter of practical statesmanship, you must take the problem as a whole, you must reasonably consider that which is within the mischief and that which is without it; and as to that I think it is a matter of common knowledge that beer of that content has been used all over the world by large numbers of people without any possible harm, and all of this talk as to the terrible toxic character is contradicted by a volume of medical testimony. The fact of the matter is that wholesome beer is a nutritious and valuable food to the human body.

In a beer with a moderate alcoholic content, like 3.2 percent, you can imagine a very extreme case where a man could drink so excessively that he might be visibly affected, but you cannot legislate for a nation of 120,000,000 people upon remote and supposititious cases. You must strike a fair balance of human experience, and in that balance 3.2 percent, in my judgment, is not intoxicating within the meaning of the eighteenth amendment. At all events, it is within the field of the legislative power of Congress and would be respected as such by the courts.

Let me say a final word. I am sorry that two Members are not here to share in this triumph of the great American ideal of individual freedom from excessive governmental interference with the right of a man to order his own life. When I first came into the House, only a little group of about 30 men were vainly attempting to abate the drastic excesses of the Volstead law. We have seen a great change. But of that little group of 30 that fought an apparently hopeless fight, there were two, who are not here today, to whose great service I want to pay my tribute. One is the late Member from Maryland, Mr. Linthicum, who was always foremost in the fight, even when the fight seemed to be hopeless. The other was our former colleague, who fortunately is still among the living, Mr. LaGuardia, of New York. [Applause.] The victory for a greater freedom is also due in no small measure to him.

I have not had time to confer with my colleagues on the Republican wet side, but I hazard, without any hesitation, the statement that all Republican wets will loyally support this measure. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has again expired.

Mr. CROWTHER. Mr. Speaker, I may state in explanation that it was out of courtesy I extended time to the gentleman from Pennsylvania, because it was not my turn to extend; but the gentleman from Massachusetts [Mr. TREADWAY] having left the room, I wanted the gentleman from Pennsylvania to tell that delightful beer story, so I extended him the time.

Mr. BECK. I thank the gentleman.

Mr. CROWTHER. At this time, Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, yesterday the President sent a message to Congress for the purpose of raising revenue for our much-depleted Treasury by legalizing beer which would be in conformity to the Volstead Act and the eighteenth amendment.

I think when the President sent that message to Congress he felt a bill would be presented for the particular purpose of legalizing beer which would be in conformity with the eighteenth amendment and the Volstead Act.

I have made up my mind since I have been in Congress that I would do the right thing so far as our country was concerned. I have tried to vote independently since I have been here. I wanted to support the President of the United

States at this particular time in things that were necessary; but I believe, Mr. Speaker, a mistake is being made today in the submission to Congress of a bill legalizing 3.2 beer by weight or 4 percent by volume.

Previous to my coming to Congress at this last session I discussed this matter quite fully with men who had previously been engaged in the brewing of beer. They told me that never in the history of brewing during their time did they find it necessary to have legalized beer with an alcoholic content greater than 2.75 percent, believing that that was essential to meet the wants, desires, and wishes of the people who liked beer.

During the last session of Congress we discussed the matter of what the legal content of beer should be, and I do not believe that more than 2.75 beer was requested by those who were desirous of having real beer. They also suggested that it be taxed \$8 and \$10 a barrel.

Notwithstanding the statement just made about alcoholic content and tax, what do we find ourselves confronted with at this time?

That wise, deliberate, and judicious body, the Committee on Ways and Means, at the last session of Congress, came to the conclusion that beer with an alcoholic content of 3.2 by weight, or 4 percent by volume, was not intoxicating when in fact the people engaged in the manufacture of beer caused the law to be enacted which declared one-half of 1 percent beer was intoxicating in fact in bygone years. Where did the Ways and Means Committee attain the wisdom and knowledge in such a short time that 4 percent beer was not intoxicating?

Just because in olden days the brewers and saloon keepers did not obey the law is the reason the eighteenth amendment was enacted into law.

If the Members of this House today are going to try to give the people of this country a better place in which to live through the medium of this bill, they are not using good common sense. Such legislation will only tend to make of this country a debauched nation and cause its people to become drunkards again. With conditions in this country such as they are today, with the automobiles and the trucks that are on the highways, great loss of life is bound to result. When a truck driver gets 3 or 4 glasses of this beer inside him and then tries to wiggle a big truck up and down the highway, he is going to kill more people than you have any idea of, and this will be a reflection on you fellows who vote for a beer bill of this kind. I tell you if you are going to try to help make this country a better place in which to live, you ought to get some real good common sense and try to put through a bill different from this one. You must see that the people do not become drunkards. Limit the alcoholic content to 2.75 percent.

I believe this bill is absolutely wrong, and I say this not because I do not want to see a bill of this kind enacted if it would be the right thing to do, but I do not believe it is the right thing to do, and I shall certainly oppose it.

During President Wilson's administration, and because of the war emergency, saloons were done away with and the eighteenth amendment was enacted into law, yet today when we are in as great an emergency you are going to put back into the Constitution language that will legalize beer that is going to make for drunkards, that is going to ruin homes, that is going to make mothers and children weep because their fathers are out drinking this damnable stuff.

Now, you know it is wrong. Use a little more common sense and a little more good, sound-business principle. I feel sure the Supreme Court will declare this bill unconstitutional. Try to do the thing that is going to help our country instead of trying to do the thing that will damn it. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. CULLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. O'MALLEY].

Mr. O'MALLEY. Mr. Speaker, I consider this the greatest moment of my life, coming from Milwaukee, as I do, that I am able to make my first appearance on the floor of the House in favor of good beer.

It was stated today that beer was one of the things the American people did not want. I know that beer was the sole issue in my State on which the Democratic Party carried the State. In my district I believe there were 95 votes cast for the prohibition ticket out of a total of 160,000.

I do not believe I am old enough to recall the saloon. We have heard a lot of remarks about the saloon. I do not know what the saloon was, but I do know that whatever the saloon was it is far preferable to me than the brothels, speak-easies, crime, and racketeering that we have had under prohibition. [Applause.]

This is the first measure that has come before this extraordinary session that has to do with employment. This is the first measure we have been asked to pass upon by the President of the United States that will restore employment not only in my district but in a great many other districts in the United States.

Everything that is to be said about beer has been said by men far abler than myself. I grew up with beer. I have not sufficient time to talk about it, but I know that if this bill is passed it will restore employment in Wisconsin and a great many other States of the Union. Not only will it restore employment, but it will give us prosperity.

Mr. TREADWAY. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker, three of President Roosevelt's messages, accompanied by tentative bills, have reached the House within the first week following his induction into office. All are measures of vital importance in an effort to conquer the unprecedented business depression; all will be passed without a shadow of partisanship, a relief from the spirit evidenced throughout last session, and all will pass with an expedition never before known in legislative history.

The bank holiday and gold embargo bill was passed without a dissenting vote on the same day it was introduced, an unheard-of proceeding. The economy and bureau consolidation bill in the House was refused any right to needed amendments, but these amendments should be added in the Senate. The two bills will become laws this week. A third message with accompanying bill asking for an estimated \$200,000,000 annual license and tax fee from sale of "nonintoxicating" beer will pass Congress this same week. Two distinguished colleagues of my committee will join me in their first vote for a measure of this character.

Within the past 30 days three important reversals in Government policy have occurred with the liquor problem, second in importance only to that of business depression. They have forcibly brought to notice a Nation-wide breakdown in law enforcement that threatens to throw away the last barriers against existing lawlessness. Overwhelming passage by Congress of the repeal of the eighteenth amendment was closely followed a week ago by official announcement from the Federal enforcement bureau it would refuse any longer to curb speak-easies, successors of the old-time saloon, and lastly comes a legalizing bill for 3.2 percent beer that is before us today.

This so-called "beer bill", aided by both Federal and State licenses, should aid in eliminating the speak-easy and give far better law enforcement than now exists. That is the only hope for law enforcement, since a new Government policy of "hands off" has been undertaken, and it is this new policy I desire briefly to discuss because of the responsibility it places on the lawmaking body of the Nation.

The repeal measure passed the House on February 20; the others followed as a natural sequence.

ABANDONMENT OF FEDERAL ENFORCEMENT AGAINST SPEAK-EASIES

On March 8 the Federal Prohibition Bureau "transferred" to local authorities in the States the problem of speak-easies. Many States to date, with more to follow after voting for repeal of the eighteenth amendment, will refuse any liquor enforcement laws.

I quote from an Associated Press report:

WASHINGTON.—The Bureau of Prohibition directed its agents today to specialize on eradicating the sources of liquor supply and to leave the problem of speak-easies to the States.

In making this known, the Director of the Prohibition Bureau, Amos W. W. Woodcock, said it was made necessary by the fact that the appropriation bill for the next fiscal year provided no funds for the purchase of evidence against speak-easies.

ACTIVITIES RESTRICTED

Restrictions on activities of prohibition agents were written into the supply bill for the Justice Department by Congress at the recent session.

In addition, the amount for prohibition enforcement was reduced from \$10,250,000 for the present fiscal year to \$8,440,000 for the 12-month period beginning July 1.

"The great bulk of complaints which reach this office and reach the field office are in regard to speak-easies," Woodcock said.

"In the future the officials of this bureau must refer such complaints, in the main, to the local authorities. It is to make this fact clear that this statement is made."

A letter from the bureau confirms the above statement.

WISCONSIN HAS NO ENFORCEMENT LAWS—MAY RUN WIDE OPEN

Ray Nye, head of the local prohibition office, had not received the Woodcock order this morning.

Since Wisconsin and Madison have no enforcement law, it is believed that the order means, in effect, that speak-easies can run wide open without Federal interference in this city. (Capital Times, Madison, Wis.)

In the Nation's Capital the Herald, carrying the bureau announcement, says:

Washington's speak-easies can run wide open unless the District of Columbia Commissioners, meeting in special session with police officials, can find funds for spying and evidence purposes. The commissioners themselves privately admit that they believe such funds to be nonexistent.

This was the effect here of the Federal Prohibition Bureau's action in placing the machinery for enforcing prohibition, so far as speak-easies are concerned, entirely in the hands of local authorities. This virtually amounts to local option throughout the Nation.

Among States voting for repeal I quote from this morning's Post to indicate repeal of State enforcement laws will now be the rule:

STATE OF ILLINOIS ENDS ITS DRY ENFORCEMENT

SPRINGFIELD, ILL., March 13.—State enforcement of prohibition in Illinois ceased today.

Gov. Henry Horner signed bills repealing State search and seizure act and the Illinois prohibition law, putting the duty of regulating liquor traffic in the State upon the Federal Government until such time as the legislature adopts new regulations.

That means practically no Federal nor State enforcement hereafter against speak-easies, which, according to the bureau, include "the great bulk of complaints" and are the worst offenders.

PRESIDENT ROOSEVELT URGES PASSAGE OF A NONINTOXICATING BEER BILL

On March 13 President Roosevelt sent the following message to the Congress:

I recommend to the Congress the passage of legislation for the immediate modification of the Volstead Act in order to legalize the manufacture and sale of beer and other beverages of such alcoholic content as is permissible under the Constitution; and to provide through such manufacture and sale, by substantial taxes, a proper and much-needed revenue for the Government.

I deem action at this time to be of the highest importance.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, March 13, 1933.

That message was sent to Congress yesterday. The House will pass the bill today, pursuant to the President's demand.

Mr. Speaker, by sweeping passage of the eighteenth-amendment-repeal resolution in both branches of Congress, above stated, the country faces a bitter and often-losing battle regularly urged for Federal law-enforcement funds. States ratifying repeal, including my own State of Wisconsin, because of public sentiment presumably will have no State or local enforcement laws with which to prohibit the manufacture and sale of intoxicating liquors or control of speak-easies.

During the pending repeal campaign in 48 States, one side to secure, the other to prevent 36 States from ratifying repeal of the eighteenth amendment, State enforcement in dry States alone will be possible. In other States for a number of years speak-easies, bootleggers, racketeers, gangsters, and lawlessness will rapidly increase.

LAW ENFORCEMENT COMES WITH LICENSE

A licensed system for legally found nonintoxicants is the only proposed method of securing Federal and local enforce-

ment laws to control a traffic of world-wide experimentation for centuries. That is the pronouncement of Colonel Woodcock, Director of Prohibition. A letter from the Federal enforcement officer says:

It is an interesting fact . . . as bearing on the help licensed places may give against unlicensed places, that there has been one group most earnest in its desire for better enforcement against speak-easies, and that is the legitimate sellers of legitimate medicinal liquor.

That was the experience of prosecuting officers with driving out "blind pigs" and other unlicensed sellers prior to the eighteenth amendment. Help came from licensed dealers.

Based on experience as a public prosecutor for many years prior to passage of the eighteenth amendment, and as a Member of the House before and ever since the amendment was passed, and with knowledge of many battles waged in Congress over repeal, I submit there is but one course left, during the interim, to insure enforcement of law. That is by licensing "permissible under the Constitution", to use the words of the President.

My own record is known to my colleagues. Now that Congress has spoken on repeal, and the President has urged the licensing of nonintoxicating beer, what is our duty when confronted with an abandonment of prosecutions against speak-easies, the country's worst lawbreakers? I can not believe that the President of the United States is going to violate his oath of office when he signs his name to this bill. I think he is just as conscientious as any Member. This is certainly to be assumed.

Mr. ROGERS of Oklahoma. Will the gentleman yield?

Mr. FREAR. I cannot yield now. I want to make a statement and when I get through I shall yield. My colleagues on the floor of the House, on the Democratic as well as the Republican side, know I am always willing to yield when I have the time, but until I make my point on law enforcement understood, I cannot yield.

I understand the position of the gentleman from Texas. I know he is sincere and honest, but I would like to ask him, What could you accomplish by defeating this bill? It is legislation to help wipe out the speak-easy.

Mr. BRITTEN. Will the gentleman yield?

Mr. FREAR. Briefly; certainly.

Mr. BRITTEN. Mr. Woodcock the other day indicated that he was not going to enforce the prohibition laws against the hotels or clubs, and other places where liquor can be had at any time during the hours of the day and night.

Mr. FREAR. I understand. The speak-easies that dispense hard liquor will not be worried over Federal interference and I understand there are a hundred thousand speak-easies running without danger of interference.

I have in mind another never-to-be-forgotten occasion when we had to decide an issue of vast importance.

OPPOSED TO WORLD WAR BUT ONCE IN WE HAD TO WIN

Representatives in Congress represent their Nation, State, and district, and that obligation is more solemn than any personal consideration. During the hectic period 16 years ago when war was declared, I voted against embroiling 100,000,000 Americans in that foreign war. Ready to support with the last life and last dollar against foreign invasion, I refused to plunge our country into a World War conflict on the hypocritical pretense it was a war "to end all wars." "Freedom of the seas" when traveling in a closely policed war zone was fiercely demanded by men certain to be exempted from personal injury in battle, and our desks were piled high with demands, threats, and arguments voiced by professedly 100 percent patriots, who professed fear of capture by the German Kaiser but frequently were moved by international mercenary powers here and abroad, financially interested in that war. Others were honestly sincere for war, but I believe 80 percent of our people were opposed to that war declaration by Congress during a war hysteria.

General Sherwood, hero of 45 battles during the Civil War, Democratic leader Kitchin, and others, frequently of

more marked army experience than my own 16 years of military service, joined in opposition to that declaration of war. Superpolitical patriots then, as "superhonest" opportunists of today, were on duty pointing the finger of scorn. Unjust denunciation then, as now, directed at Members of Congress served to destroy faith and confidence in officials and in effect divided efforts that should have been united.

Washington's protests against foreign entanglements and their certain consequences predicted a century and a half ago were verified during the European war by enormous losses to our people of more than \$35,000,000,000 in money and proportionate losses in suffering and in men. Without gaining 1 foot of territory, or 1 word of world friendship, the United States, now in distress, is heavily in debt, yet greeted by condemnation and repudiation of their debts by our European allies.

ANOTHER WAR CLOUD HANGS OVER EUROPE TODAY, WE SHOULD KEEP OUT

Once in war we had to win and I supported every measure to bring about that result in 1917. Today this country is suffering the logical results of that war declaration. Another critical chapter in our history is about to be rewritten because of the repeal resolution passed by Congress last session, and virtual abandonment of law enforcement.

Unpopularity of an issue today may be welcomed by the people of tomorrow and the reverse is true, and often it requires intestinal strength to face abuse and public misunderstanding.

I voted against war. Some Members said it took courage to do it. I have never claimed credit for so doing nor have I ever apologized for that vote. When once in war we had to win. When law enforcement is withdrawn because of lack of public sentiment we have to take the responsibility and act.

I can see only one way to bring about law enforcement, and this is the way.

Mr. GREEN. Will the gentleman yield?

Mr. FREAR. I yield.

Mr. GREEN. I wonder if the gentleman shares the view, as I know some do, that if beer is permitted it will be in fact a vote toward temperance, in that the public may become aroused so that they will not repeal the eighteenth amendment?

Mr. FREAR. I do not know what effect it may have in that direction any more than any other Member on the floor of the House. One can easily make predictions, but if it should have that effect I believe it would be fortunate.

Mr. ROGERS of Oklahoma. Will the gentleman yield?

Mr. FREAR. I yield.

Mr. ROGERS of Oklahoma. Granting that what the gentleman says is true—

Mr. FREAR. It is true.

Mr. ROGERS of Oklahoma. Then why pass this bill?

Mr. FREAR. In order to limit rights of sales to those having licenses from the Federal and local governments. This bill proposes to legalize sale of nonintoxicants, to prevent the return of the old-time saloon. Everyone possessing a license will, for his own protection, seek to drive out the lawless speak-easy. That has been the experience of every prosecutor.

Next to war and world-wide depression we are confronted with a Nation-wide solution of the liquor problem and breakdown of law enforcement. After long struggles and acrimonious debates Congress voted overwhelmingly for repeal of the eighteenth amendment. Irrespective of the merits of that issue, in which all other are conceded equal sincerity, the course to be taken must now be determined.

PAST EXPERIENCE AND FUTURE COURSE

What is the situation after about 15 years of endeavor to enforce the prohibition amendment? With every legal facility afforded, the problem of enforcement has continued to be ineffective. Without future enforcement funds or strong laws supported by public sentiment, State or National, Congress is faced with a grave responsibility. Bootleggers, high-jackers, racketeers, gangsters, and other criminals now find

headquarters in thousands of speak-easies in practically every State. Not content with open, flagrant violations of law, these criminals, through fear, bribes, and other influences, frequently control law officers and public sentiment. Enforcement officers and others familiar with the facts say these speak-easies are frequented by boys and girls of tender age, mingling with old rounders of both sexes. Hip-pocket flasks, drunkenness, immoralities, lawlessness never before encountered by American youth undermines the standards and character of millions of future citizens. Now that enforcement is to be practically abandoned and restraint thrown to the winds in criminal speak-easies, what will occur during years of campaigning for repeal of the amendment?

Speaking personally, my support has been given to all law-enforcement measures in the past and as consistently against weakening of the law. By its sweeping repeal vote Congress practically serves notice it largely nullifies future adequate appropriations for Federal law enforcement. Many States supporting repeal of the eighteenth amendment will take like action, or have already done so, leaving enforcement to a few scattered States.

What will occur when local enforcement and Federal enforcement are both abandoned? If 36 States do not favor repeal, what course is to be taken during the years of waiting without enforcement laws or without public sentiment to relieve existing conditions? Ratification of repeal is for the States to determine, but Congress has its own responsibility for law enforcement.

PRESIDENT ROOSEVELT URGES THIS BILL

The President asks Congress to enact a bill to aid revenues, by legalizing and licensing nonintoxicating beer. Malt liquors, it is urged, are separated from spirituous drinks in use and by laws of many countries of the world. Our own people, with habits formed abroad or possibly here, see no evil and feel no more harmful results from beer and wine than do we from coffee or tea.

Laws cannot be made effective against both buyer and seller, nor can they be enforced when limited to either one. An inherent weakness of the eighteenth amendment lies in finding crime exists with manufacturers and sellers of liquors but not with equally responsible purchasers. The law of demand and supply in the liquor traffic is as fixed as that of supply and demand in other cases. If it is a crime to supply, it is a crime to accept. World-wide experience has so proven.

Arguments over 3.2 percent beer as a nonintoxicant have been frequently presented in the House. Spirituous liquors have 50 per cent alcohol or sixteen times 3 per cent.

Speaking from a fairly long experience as public prosecutor, I well remember that more than one half of the many lawbreakers convicted of crime claimed it was committed under the influence of spirituous liquors. None ever attributed crime to malt beverages.

Expert evidence has been offered to prove that a nominal alcoholic content is not intoxicating. I am not authority for or against that contention but firmly believe no court of last resort will hold that a slight content in either beer, wine, or cider will be unconstitutional. High courts do not strain at a gnat and swallow a camel.

Courts have common and judicial knowledge of well-known facts. They know that both national political parties spoke for repeal of the eighteenth amendment at their conventions last year; that, whether wisely or not, by an overwhelming vote both Houses of Congress, a coordinate branch of the Government, recently expressed their will by an overwhelming majority for repeal of the eighteenth amendment; that due to present nation-wide liquor violations a large majority of the States will ratify repeal; that in these States and also other States countless thousands of speak-easies are now unlawfully vending 100 percent or 50 percent alcoholic moonshine and other hard liquors; that another coordinate branch of the Government—the executive—has asked Congress to enact a bill legalizing and licensing beer.

CONSTITUTIONALITY OF A BEER BILL

Irrespective of technical expert opinions courts cannot ignore a repeal law recently passed by Congress and urged by the Executive. Nor will they ignore possibly hundreds of thousands of unlicensed, lawless speak-easies or the effect of lawfully declared nonintoxicants in bringing about law enforcement. Courts do not set aside laws enacted by Congress excepting where clearly unconstitutional.

In the *RECORD* of January 27, 1923, I cited many decisions to the House illustrative of this fact. Mr. Justice Chase declared:

If the court have such power (to set aside laws), I am free to declare I will never exercise it but in a very clear case.

Justice Miller, one of my old-time university law professors, while a member of the Supreme Court, said in the *Legal Tender* cases:

A due respect for the coordinate branch of Government requires that we shall decide it has transcended its powers only when it is so plain we cannot avoid the duty.

Former Chief Justice Waite, in *Ninety-ninth United States Reports*, page 718, said significantly:

Every possible presumption is in favor of a statute and this continues until the contrary is shown beyond a rational doubt. One branch of the Government cannot encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule.

Back in the days when the court had a high respect for Congress Chief Justice Marshall, in *Fletcher against Beck*, laid down the rule that—

The question whether a law is void for its repugnancy to the Constitution is at all times a question of much delicacy which ought seldom, if ever, to be decided in the affirmative in a doubtful case.

These brief extracts from among Supreme Court decisions indicate the trend of opinions by members of our highest court. I am not interested in proving the case—that is for others to undertake; but from knowledge of other like decisions I believe the Supreme Court will accept the judgment of Congress, a coordinate branch of the Government, on this 3.2 alcoholic-content bill.

REVENUE TO BE DERIVED FROM LICENSING

With mounting taxes a proposed new annual beer-license Federal revenue of between one and two hundred million dollars, according to estimates, will be collected from a beer bill. That revenue feature urged by the Executive will help relieve present distress but, far more important, it will necessarily bring local support from those licensed to sell to drive out speak-easies with all their demoralizing influence on society in general and especially on our youth.

Education and instruction as to intemperance evils will give understanding against modern speak-easies and old-time saloons which have been condemned by the Wickersham report and by two national conventions that pledged they will not return. Punishing sellers and not receivers has failed in enforcement. Personally, I believe control by law and legal protection for dry States should be substituted for existing lawlessness certain to occur during the interim of the pending struggle among the States for and against repeal.

I am aware that sincere men and women declare that 36 States will never consent to repeal, that for years to come no law enforcement will be had in possibly two thirds or more of the 48 States because of that belief. The admonition of Lincoln is well to remember that this Government cannot long exist half slave and half free, and that a house divided against itself will fall. I do not apprehend such results with a country that has weathered many storms, but I do believe, without any liquor enforcement laws, no government like ours can exist in peace because of the consequent reign of crime certain to result. That warning comes to us during this unlimited period of repeal discussions by the States.

It is the duty of all to use their influence, whether great or small in securing passage of active enforcement laws to con-

trol the crime wave and place our country on the road to recovery. The passage of this bill, in effect, should make licensees enforcement agents against speak-easies and other nonlicensed places.

Ours is the only Government left with prohibitory laws. Governments depend for existence on law enforcement, for without enforcement comes chaos. Lack of laws and of existing police power will confront this country until public sentiment supports enforcement. When the declaration of war occurred all thereafter joined to win the war. In a war against crime, laws and authorized enforcement must be had during the campaign for repeal of the eighteenth amendment. Passage of the bill asked by the President will bring licenses, and licenses will aid to prevent lawlessness. That is the issue here presented.

Mr. CULLEN. Mr. Speaker, I yield to the gentleman from Maine [Mr. UTTERBACK].

Mr. UTTERBACK. Mr. Speaker and ladies and gentlemen of the House, my election in Maine was the result of my declaration on April 4 that I stood absolutely for the repeal of the eighteenth amendment, and I further made this statement, that I would rather go down to defeat with a statement honestly made on the prohibition issue than be elected on a side-stepping-issue campaign.

My opponent had been Governor of Maine for 4 years, and was a pronounced dry, and yet during the 4 years of his administration he never made even a gesture toward enforcing prohibition.

Prohibition has been written into the Constitution of the State of Maine for 80 years, and it has always been referred to by temperance people as "What a wonderful situation exists in Maine." May I say to the distinguished gentleman from Kansas that when, as a traveling man, I went through Kansas 30 and 35 years ago, there was not a hotel in the length or breadth of that State where you could not procure liquor. [Applause.]

The only difference was that in Maine it was hard stuff, and in Kansas, because of its close proximity to St. Louis, they had beer. I am voting here today in favor of this bill because it expresses the will of my constituents in Maine. And let me say this, that I represent a district that is normally over 30,000 Republican, and I won out on this prohibition issue. [Applause.]

Believing now that the cause of temperance can best be served by control rather than by prohibition, I am taking you back to 1914 and 1915, when, as mayor of Bangor, I fought earnestly for the enforcement of the Maine prohibition law. I will first mention briefly conditions as they existed in 1914 to show that prohibition in Maine was then as much of a farce as it is at the present time with nationwide prohibition. When I assumed office as mayor, regulations that had been exercised over the liquor business in Bangor by the police and sheriff's department for many years under the so-called "Bangor plan" had become lax. Restaurants were building private dining rooms for the liquor trade, gambling places were everywhere, and dives were flourishing, with the result that a very serious and almost uncontrollable condition had developed. Every appeal made to people known to be behind this illegitimate business fell on deaf ears. The so-called "political bosses", in league with this crime element in 1914, told me, as mayor, "to go to hell," that they would do as they pleased. I accepted their challenge and found at that time that the police listed 181 places of all sorts and conditions where liquor was being sold. Raids were made, and improved conditions were eventually brought about, but for a short time only, for with a change of administration the liquor interests again ruled, and Bangor again became a wide-open town, despite our almost century-old Maine prohibition law. May I briefly tell you of my efforts for enforcement of the prohibition law as reported by Bangor papers at that time? I quote from the News, under date of July 9, 1914. "Mayor Replies to Bangor's Ministers' Conference" is the headline:

If city council will appropriate \$5,000 for the work, he will enforce prohibitory law through a special police squad.

Again I quote, from the News of July 24. The headlines—City council refuses money for enforcement; 27 opposed to granting the request of ministers' conference and 1 in favor.

From the article itself I quote:

The appropriation was asked by the ministers' conference, which was represented by Prof. Calvin M. Clark, of the Bangor Theological Seminary. He almost literally stood alone, arguing his case with quiet dignity to a council that gave him no encouragement and to a crowd that was obviously hostile. Professor Clark stated, in answer to a question, that the ministers had previously appealed to the Governor and also the sheriff of the county to enforce the prohibitory law, but without success.

You can see from this article that then, as now, prohibition as on the statute books was not a popular law. A law, however, was on the books, and I felt that a concerted drive would go a long way toward remedying conditions as they existed, so I quote from the News of October 26. The article was headlined "Saloons Must Close." I quote:

Without the slightest preliminary hint that anything of the kind was contemplated Mayor Utterback assembled the members of the police force on Sunday afternoon and informed them that on and after next Sunday, November 1, all saloons of Bangor must close and remain closed. There are to be no exceptions. His order applied equally to the lowest dive and the most elaborate and expensive bar. He had no interests to protect, and he was prepared to carry out this policy of absolute enforcement to the last day of his administration. The city must be as dry as human effort and ingenuity could make it.

At about this time, on a Tuesday night, before a great throng of delegates to the Forty-sixth Annual Convention of the Maine State Sunday School Association, the sessions of which were held in the Columbia Street Baptist Church, I repeated my statement that the saloons of Bangor must close November 1. During this address I made this statement, which I wish to quote:

I wish to assure you of one thing, and I believe it is something the liquor dealers all know; just so long as I hold office I am going to use every effort to enforce the prohibition of the sale of liquor.

Despite the applause with which this statement was met, despite the rising vote then taken to lend every support to my efforts as mayor of Bangor to enforce prohibition, my request for a compromise appropriation of \$3,000, the council having denied me the first request of \$5,000, was presented to the council, with practically no outside support or aid, and the council again refused this appropriation. I quote from Bangor Daily News under date of November 8, headlines of—

Council smothers the rum budget. Mayor's \$3,000 war fund quickly nailed to the table in lower board. Hot replies to reform speech from throne.

I quote:

On mayor's \$3,000 resolve for liquor enforcement some pointed remarks were made to the effect that the money could be much better expended among the city's poor. The resolve did not reach the upper board, having been strangled in the lower board, with only five voting in its favor.

I quote from Bangor Commercial, January 19, 1915, headlines of—

Aldermen say special enforcement should stop. Pass resolve asking mayor to discontinue expense of work.

I quote:

With but one dissenting voice the board of aldermen passed a resolve at the special meeting of the city council Monday evening expressing its opinion that any further expense to the city by special enforcement of the prohibitory law is entirely unnecessary.

Without the support of the city council, with both Bangor newspapers bitterly assailing me, I fought alone the battle of Maine's prohibition law to the end of my term—even the ministers and church people lost their courage. I could have gracefully declined to attempt enforcement, when in July the council refused the \$5,000 appropriation, or again in November, when they refused the \$3,000 appropriation, or later in January, when the aldermen passed a resolution demanding that I discontinue the battle against illegal rum. During the heat of this battle there appeared in the Bangor Commercial, under date of November 13, 1914, an editorial referring to my address at a mass meeting which I called

at the city hall to discuss the liquor-enforcement problem. This editorial said in part:

One statement that the mayor makes is true, and that is that the prohibitory law is a farce. In the past 60 years and more that it has been in force it has brought its continual crazes for fanatical enforcement, and of late years it has seemed the chief aim of the fanatical prohibitionist to crucify someone and put him in jail. Although Maine is a strict prohibition State by law, the statistics prove that as large a percentage of intoxicating liquor is used in Maine as in other States. Rigid enforcement shuts off the use of light beers, and consequently we have the vile concoctions that are offered as substitutes in the dives that flourish under enforcement, where the men who come from foreign countries for work in the woods and such labor get the horrible stuff that sets them crazy, it being shown by the figures given at the meeting in city hall that nearly all the arrests for intoxication are those of people who are not citizens of Bangor. For more than 60 years prohibition has failed to prohibit, with conditions continually getting worse. The time is coming when Maine will fall into line with her wiser sisters of the New England States and will enact a law for regulation, under which light beers will be sold and under which the dives will cease to flourish, as they have ceased to flourish in other States where they have regulation.

This editorial referred to Maine prohibition. It could be written today referring to Nation-wide prohibition, and is, to my mind, in the light of my experiences during my term as mayor of Bangor, the most convincing evidence that control supported by truly popular legislation is nearer to the solution of the liquor problem than is an unenforceable prohibition law on the statute books of the State or the Nation.

I take no issue with sincere dries, but I do take exception to the political leaders who have not the courage of their convictions. They dare not take the stand on prohibition that they know to be right. There are altogether too many of our lawmakers who do not dare follow their convictions or their conscience. Fear of losing an office prevents them from speaking the truth.

I am no champion of the saloon, never have been, and never will be, and I hope it never returns. I do know, however, from years of personal observation that the saloon under proper regulation would be a paradise in any community as compared with the speak-easy and dives existing at the present time, under no control, with everybody, including law-enforcement officers, reconciled to the fact that prohibition is but a myth. I have faith in the future of Maine and in the future of our Nation. To my mind there is a real ray of hope in the fact that the American people to-day are doing a lot of serious thinking on the wisdom of prohibition as it now stands in the Constitution. I am, too, impressed with the fact that one can not deny—a most serious problem exists, affecting our boys and girls, with no control of the liquor situation under present prohibitionary law conditions.

Therefore why are we not honest with ourselves in admitting that prohibition, as actually operated, is a failure, that more liquor is being used and sold today than ever before, that despite the efforts of the Federal Government the eighteenth amendment is not being enforced, that the bootleggers are prospering, that respect for law and order has never been at such a low ebb; and that crime and the reign of the racketeer have never been so pronounced. I think every student of our national problems will agree that it is strange, at least, for Senators and Congressmen to be playing political football with a Budget-balancing program, taxing the workman and the farmer until they can be taxed no more, while millions of possible revenue from the manufacture of liquor go into the coffers of the underworld, and, on top of that, the Federal Government is paying out millions more for the upkeep of the prohibition army, their spotters, go-betweens, and underworld, undercover men. It has been my purpose to try to bring to you the fact that the general unpopularity of a prohibition act is in itself the defeat of that act.

I am devoted to the cause of honest temperance but not to the hypocritical temperance as found in the operation of the eighteenth amendment. Personally, I believe that with liquor under proper control we can educate our children in

the home, the school, and the church to a willing stand for the temperance cause and to a respect for the law.

Mr. RAGON. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Speaker, the wet wave rolls again. High on its crest there is carried the flotsam and jetsam of professed principles to which some public men have always claimed adherence—carried as strength carries weakness, as power directed by purposeful force always overcomes vacillation and indecision, carried as the mere fragments of structures built upon the sands and which were never intended as anything else than fair-weather conveniences. The strength to resist its onslaught is quite evidently not to be found in Congress. In the face of its advance men have unhesitatingly abandoned stands upon which their entire political careers have been based.

I was one of those who, publicly and privately, urged the people of my State to support the Democratic candidate for President in 1928, assuring them that, notwithstanding his views, the prohibition question would be determined by Congress, and asserting my faith that Congress was dry and would remain dry and that their own representatives would continue to vote dry. I meant it then, and while my expressed faith has been destroyed, yet so far as I am individually concerned I mean to be true to what I said then. I am one of those who supported, as strongly as I was able, President Roosevelt, just as I have always supported Democratic candidates and always expect to, urging upon my constituents the viewpoint that both parties had wet platforms and promising that I would represent what I conceived to be the viewpoint of my people and what I knew and expressed as my viewpoint on this great question. I meant it then and I mean it now. No party platform can absolve me from a promise to my people nor from an obligation to be true to my convictions.

This bill is not only in violation of the Constitution but proposes to bring back the open saloon, although the Democratic platform carries as strong a protest against the return of the saloon as it does an appeal for the repeal of the eighteenth amendment and modification of the Volstead Act. Those who advocate rigid adherence to platforms made by politicians under the influence of yelling galleries in Chicago have turned thumbs down on all efforts to ban the saloon. They have forgotten that pledge, just as they have forgotten other pledges in that platform that have received no attention from Congress as yet.

There are strong forces behind the movement for prohibition repeal. There are millions of well-meaning but mistaken people, but behind the movement, furnishing its strength, its sinews of war, are those who wish to make profits from the debauchery of their fellow men or save themselves from taxes at the expense of the poor. Should the movement succeed, there will be set up again in most States the criminal oligarchies which formerly controlled the politics of those States and which centered around the liquor business, and the National Capitol itself will be filled with their representatives. In my judgment, it will never be. The wave rolls high, but it will spend its force on the rock of a sound national opinion which may at times be swayed by paid propaganda, but which will recover its equilibrium and utterly destroy a thing which is itself calculated to destroy and not to build, to impoverish and not to relieve poverty, and to increase immeasurably the sufferings of our people.

Something has been said about the attitude of the Director of Prohibition, Mr. Woodcock, who it appears has now abandoned his efforts to bring about enforcement of the prohibition laws insofar as they relate to speak-easies, because this House placed upon the appropriations made for his Bureau certain salutary and reasonable restrictions, intended to bring about respectable enforcement of the law. One of the troubles with prohibition enforcement today is the attitude of the Director of Prohibition, Mr. Woodcock, toward the enforcement of our prohibition laws. If he had been at all times in good faith sincerely endeavoring to

bring about respect for those laws, the sentiment which has arisen in this country in favor of repeal would not have reached the proportions it has today.

The moving forces behind repeal of prohibition are in the main not the forces of law and order.

Mr. Speaker, whenever men and women who have in good faith obeyed prohibition since its enactment, and who have sought to have others obey prohibition, come to Congress with what they conceive to be a better plan to deal with a recognized evil, I for one am willing to listen to them, but I am not willing to listen to those who have defied the laws of their country, rebelled against its Constitution, sought to have others disregard those laws, and who now come to Congress asking that we in effect throw around them a cloak of respectability that they do not deserve, by repealing the laws of which they have been the violators. The speak-easies of which gentlemen complain are not evils of prohibition. They are liquor evils; and their proprietors unanimously join with other advocates of prohibition repeal.

Mr. CULLEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker and Members of the House, this is a memorable occasion for me—a happy one as well. It was on October 27, 1919, after the Clerk had read that historic message vetoing the Volstead law, sent to us by our great war President, that 55 men stood up in this House to sustain that veto. Only seven of those men are here today, and I am happy to tell you that I am one of them. [Applause.] I opposed prohibition from that day to this. It took 13 years to vindicate the stand that we took that day, following as we were the lead of that great Democrat, philosopher, and idealist, Woodrow Wilson; and after 13 years his message, too, is vindicated. [Applause.] Woodrow Wilson was right then, and President Roosevelt is right today.

This is a good bill. It is a consistent measure. When we passed the first war-time prohibitory law we were informed that it was necessary because there was a shortage of crops over all the country, crops needed to feed our soldiers overseas. Today the elevators of the Nation are jammed to capacity, with surplus crops that burden even the Treasury of the United States with interest and carrying charges. It is a timely measure designed to lighten the burden that is placed upon our Government. If prohibition was necessary then to conserve our crops, modification and repeal are necessary today to reduce our huge surplus.

As to the question of its constitutionality, I think we can dismiss that feature of the discussion. The committee that reported the measure was guided by common sense, by human experience, by public opinion. These three influences not only guided the committee, but they will guide this Congress—yes; they will sway this Congress. These influences guide and sway the destinies of nations. They leave their impression even upon the courts of every land. Public opinion is a tremendous force. It is most powerful. It was public opinion that swayed the great Democratic convention at Chicago, which by an overwhelming majority adopted as one of its major planks a ringing condemnation of the Volstead law and all of its evil ramifications. Today we are keeping faith with the American people. Today we are keeping faith with Democratic principles, and today, my friends, we enhance the standing and reputation of the Congress in the estimate of the American people. Today we are enacting a measure that is fundamentally sound, one that stands foursquare with the Democratic doctrine of State rights, a measure that will have a beneficial effect upon the economics of our day and time. Personal liberty will be a reality in America again.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. CROWTHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ELTSE].

Mr. ELTSE of California. Mr. Speaker, lest my position be misunderstood, let me say that in my campaign I stood for a resubmission of the prohibition issue to the people,

but I do oppose this bill at this time for these reasons. I oppose it because the Nation at this time is in an economic crisis, and I do not believe that the low purchasing power of the masses of people should be diverted from the purchase of things that are the common necessities of life to those which are nonessentials.

In the second place, I oppose the bill because if 3.2 beer is not intoxicating, it will not satisfy those who have an appetite for something of greater alcoholic content.

In the third place, I oppose it because my conviction is that 3.2 beer is in fact intoxicating; and if it is, this measure is unconstitutional, and any measure designed to withdraw penalties from its manufacture and sale would constitute an indefensible repeal of the eighteenth amendment by indirection.

Furthermore, I oppose this bill because the passage of it will invite the return of the saloon, even in the face of planks in both the Republican and Democratic platforms. Much has been spoken for it as being a cure for the speak-easy. I take the position that it will open the speak-easy wide open. We will have a hundred of them where we have one today. We will not have any control of the speak-easy. They will be able to hide behind this act.

In the last place, I oppose this bill because I have a profound respect for the Constitution of the United States. The other day I stood on this floor, in common with the rest of you, and swore to support that Constitution. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from California [Mr. ELTSE] has expired.

Mr. CULLEN. I yield 2 minutes to the gentleman from Wisconsin [Mr. CANNON].

Mr. CANNON of Wisconsin. Members of the House, I represent probably the greatest beer city in all the world. The beer that made Milwaukee famous, that was wholesomely brewed a few years ago, is known and was drunk by people in every corner of the earth.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. CANNON of Wisconsin. I yield.

Mr. COCHRAN of Missouri. Did the gentleman ever hear of St. Louis?

Mr. CANNON of Wisconsin. Only in this way, when it comes to making beer St. Louis is known as a suburb of Milwaukee. [Laughter.] I still say that the beer brewed in Milwaukee is the greatest and most wholesome beer that has ever been brewed on the face of the earth [applause and laughter], and I do not back up for anybody on that question.

If this beer bill is passed today, my friends, it will mean that between twenty and thirty thousand men in the county of Milwaukee will immediately be put back to work, and it will mean that the farmers in every State of this Nation will profit because they will immediately have a ready market for their products. [Applause.]

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. CANNON of Wisconsin. I yield.

Mr. COCHRAN of Missouri. With reference to the greatest beer ever put on earth, I advise the gentleman in about 3 weeks to taste Budweiser.

Mr. CANNON of Wisconsin. Yes; but the gentleman should try Schlitz first and he would never drink Budweiser. [Laughter and applause.]

My friend from Texas [Mr. BLANTON] made a remark a few moments ago, "Look what happened to Mr. Schafer, of Milwaukee, because he advocated the passage of a beer bill. Where is he today?"

Well, I defeated Mr. Schafer, my friends. [Applause.] One of the reasons why I defeated him was because I advocated a stronger beer than he did. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Tennessee. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. CANNON of Wisconsin. The gentleman from Texas [Mr. BLANTON] said he was an Irishman. I am glad he is.

He should be proud of it, but if he were a real Irishman—and I do not say this with any disrespect to him—he would be standing here advocating a stronger beer than is called for in this bill. [Laughter.]

My friends, the American people by their mandate last November have spoken, and it is the duty of this Congress to stand by the mandate of the people and not be guided by the hypocrisy that has swept over this country today, which seems to be here in Congress on one side of the aisle. [Applause and laughter.]

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has again expired.

Mr. CULLEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. O'Connor].

Mr. O'CONNOR. Mr. Speaker, I am in hearty sympathy with this bill, although there are some provisions in it that I should like to have changed. My purpose in taking the floor at this time is to keep the record clear, so that when the question arises in the future, if there is any opportunity to change it, those changes will be made.

This bill is practically identical with the Blaine bill, which was reported to the Senate. It is patterned on my bill, H.R. 1697, which was introduced last Thursday, the day the Congress convened. It follows the method of approaching the subject by what is known as the "withdrawal method." That is, there is no enforcement under the National Prohibition Act against beer and similar beverages up to 3.2 percent. I should like to see in the bill a declaration of this legislative body that the beer was not intoxicating in fact, although that is not as necessary in such a bill as it was in the Collier bill, which adopted the other method of direct legalization of such beer as the distinguished gentleman from Pennsylvania has said he preferred.

The title of this bill does say that the beer is nonintoxicating. The bill contains provisions I have fought to have changed, unsuccessfully, as those on page 5, section 4. I believe it is unfortunate that the manufacturers of this nonintoxicating, harmless beverage must apply to the National Prohibition Bureau for a permit to manufacture it, and obtain the same kind of permit that must be obtained to manufacture whisky. I believe that is an inconsistency that should not be in the bill. It may not work any harm in the issuing of permits. I do not like the permit system, however, because I fear the brewers may attempt to obtain a monopoly in the issuance of permits, and I want the RECORD to show to those who will issue permits that it is the intent of this Congress not to grant a monopoly such as existed with the brewers in the old days.

Pursuing that inconsistency, the bill also contains a provision that violations of this act are punished under the National Prohibition Act in the same manner that the violations of the manufacture of whisky are punished. I hope those inconsistencies will be taken out in the Senate or in conference, or that they will not work out any detriment to the bill.

I am glad to see that the provision in the Collier bill requiring even a homebrewer for his own use to secure a brewer's license and pay a fee of \$1,000 has been corrected.

I am also glad to see that the silly provisions of the Blaine bill prohibiting the advertising of this nonintoxicating harmless beverage have been eliminated.

I have heard talk today about the return of the saloon. I have listened to the same wail during the 10 years I have been fighting for a beer bill or fighting for the repeal of the eighteenth amendment. I know the gentleman from Kansas [Mr. GUYER], who said this bill permits the return of the saloon, would be no more of an advocate of a bill containing every prohibition in the world against the saloon. He would still be opposed to the bill even though we usurped the powers of the States and provided for the abolition of the saloon. If his State is against the saloon, the legislature of that State can easily prohibit the saloon. A bill is now being considered in the Legislature of the State of New York to handle this beer problem when this bill becomes a law, and, in my opinion, that bill will prohibit the return of what we used to know as the saloon.

This bill fully protects the dry States, as all the beer bills introduced in this Congress in my time have protected the dry States.

This is a measure which we have long hoped to see enacted into law. During the years we have struggled to accomplish this result we have listened to countless forms of alibis. In renewing the struggle to drive out prohibition, some day when I have time I may collate all the forms of alibis which have been advanced against beer bills and the repeal of the eighteenth amendment or the submission of the question to the States. The last remaining alibi that is used against the enactment of a beer bill is the "constitutional" alibi that "the bill is unconstitutional." In spite of the hearings held 2 years ago before the Committee on the Judiciary, in spite of the hearings held before the Committee on Ways and Means, in spite of the overwhelming weight of the testimony from experts that beer of 3.2 percent alcoholic content by weight is not intoxicating, Members still rise in their places and use that old "constitutional" alibi as an excuse for not voting for this bill. [Applause.]

[Here the gavel fell.]

Mr. WATSON. Mr. Speaker, I yield myself 5 minutes.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. WATSON. Mr. Speaker, I voted against the eighteenth amendment and have lived to discover that my judgment was correct.

The eighteenth amendment was a war measure. Every country of the world at war had prohibition, and today America is the only country that has continued prohibition and informs the people what they shall drink and what they shall not.

When the time comes in any country that the Government attempts to dictate to the people what they shall do morally, that country becomes weaker and weaker, and I make the statement today that the Americans, as a class, are mentally weaker than they were previous to the amendment.

Since civilization has been recognized, people have been fighting intemperance, and there is no period in the history of our country when the American people were so free from intemperance as the day before we passed the eighteenth amendment.

Since its passage the people have been teaching children intemperance.

Temperance, Mr. Speaker, is a slow growth. It cannot be accomplished overnight. By the passage of the eighteenth amendment the cause of temperance was thrown back nearly half a century. It will take years and years before we become a temperate nation.

I can well remember before the passage of the eighteenth amendment the young men of the day did not care as a rule for strong drink. I recall at the social clubs some 40 years ago that previous to dinner it was the custom to drink cocktails, but this custom gradually abated previous to the ban of the amendment but increased after the amendment.

I am an advocate of this bill because I believe in temperance. Intemperance is decried, but we cannot bring about temperance by forcing the people to forego their rights.

The question has been raised whether beer of 3.2 percent alcoholic content by weight is intoxicating. Members have attempted to prove that 3.2 percent beer is intoxicating. Neither this House nor any assembly in the world, not even the Supreme Court, all-powerful, can rule that 3.2 percent beer is intoxicating to all men. I recall that witnesses appeared before our committee when we held hearings and said that 1 percent alcohol was intoxicating. Mr. Speaker, the word "intoxicating" is not understood. It depends upon the temperament of the individual. No one can say that 3.2 percent beer is intoxicating. I therefore appeal to you in the interest of temperance, in the interest of the boys and girls of our country, and in the interest of humanity to pass this bill. [Applause.]

[Here the gavel fell.]

Mr. CULLEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. Celler].

Mr. CELLER. Mr. Speaker, I had occasion to go to a place called Dodge City, in Kansas. When I got there, I asked a member of the police force more or less facetiously where I could get something strong to drink. He said, "You go down two blocks and turn to your left. There, you will find a barber shop. That is the only place in Dodge City where you cannot get it." [Laughter.]

This story could be told of every city in the United States. It could be told of the district of the gentleman from Texas [Mr. BLANTON] as it could be told of the district of the gentleman from Kansas [Mr. GUYER]. That is why I am going to vote for the bill before us this afternoon. That is why I have been "wet" for 10 years; why I have battled with veterans of this House to bring sanity back into the United States, and particularly to vote to give the workman a palatable, 5-cent, sizeable glass of beer which will be accomplished, if I read correctly the testimony of the experts, by the passage of this bill.

I am for the bill because it will banish the beer high-jackers and racketeers, will take from them ill-gotten gains and place this money in legitimate industry and in the coffers of the United States in the form of taxes.

I am in favor of this bill because it involves a depression-proof tax. In all our depressions the beer tax held up whenever all other taxes fell away. We need this beer tax badly. The income tax for 1932 is 43 percent less than that of 1931. The yield from the nuisance taxes has been most disappointing. We must have this beer tax to help balance our Budget.

In 1873, during the depression, the ordinary Government revenues dwindled 26 percent. During the panic of 1893 they fell off 25 percent. Not so the beer tax. It held up majestically.

Usually people seek to avoid taxes. Not so the beer tax. There was always a veritable parade to pay it. It is a steady, dependable tax, paid with pleasure.

This bill will insure to the myriads of workmen a palatable, fair-sized glass of beer. With the tax of \$5, upon which there will be superimposed, doubtlessly, a tax of \$1 by the States, making a total tax of \$6, it will be possible for the retailer to sell a 5-cent glass of beer.

Each barrel contains 31 gallons. The following is a table showing the ounce glasses, the number of glasses in a barrel, and the number of net glasses in a barrel after a 10 percent loss.

Ounce glass	Number of glasses per barrel	Less 10 percent
16	248	224
15	264	238
14	283	255
13	385	347
12	330	297
11	360	324
10	396	357
9	440	396
8	496	447
7	566	510
6	661	595
5	793	714

The brewer will sell his beer at about from \$12 to \$14 a barrel to the retailer. If the retailer uses an 8-ounce glass, he will get 496 glasses, less 10 percent for wastage, making a final yield of 447 glasses. At 5 cents per glass, this will make a gross intake of \$22.25 per barrel. This will give the distributor a fair profit and insure the workman 5-cent beer. We hear much about the saloons and the return thereto. This is quite impossible. Social conditions have so changed since 1920 as to change, well-nigh entirely, that which was formerly called a saloon. People will not and cannot go to saloons as before. The radio, the movie, and the auto have changed conditions decidedly. They are, in a way, the saloon substitutes.

In 1919 there were no radios. In 1932 there were 16,000,000 sets of radios, with 80,000,000 listeners. Since 1919

movie attendance has tripled; in 1919 there were 6,771,000 passenger autos; in 1932 there were 22,347,000. During the same period gasoline consumption rose 339 percent. Gasoline has probably in part replaced whisky. Daylight saving has played its part in bringing people into the open, away from the saloon. Thus the radio, the movie, the auto, and daylight saving have all conspired to help changes for the better and make impossible a return of the old conditions. At the moment there are 24 States in which the sale of beer will be presently permissible upon the modification of the Volstead Act, contemplated by this bill: Arizona, California, Colorado, Connecticut, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, Washington, West Virginia, Wisconsin, and Wyoming.

Two States, Ohio and Delaware, are about to legalize beer after this bill passes. This will make 26 States ready for beer. They represent about 95 per cent of the 1914 beer production.

It must be stated that of the above-mentioned States, Pennsylvania, Missouri, and Minnesota have laws which provide that such alcoholic beverages are permissible as are legal in pursuance of the Federal statute. I have rated Minnesota as a beer State. I am unable at this writing to check definitely that it is so, but I am quite sure it is. When I prepared the figures some days ago, there was a bill pending in the Minnesota State Legislature. I believe it has passed and beer would be legal.

We thus have a veritable wet parade of States taking in almost two thirds of the country geographically, and approximately one half in population.

As to whether or not 3.2 percent by volume is intoxicating, I repeat the evidence given by Prof. Yandell Henderson, professor of Yale University, who was also consulting physiologist to the United States Bureau of Mines from 1912 to 1922, and during the war was chairman of the Medical Research Board of the Chemical Warfare Service of the Army. He is a renowned authority on toxic qualities in beverages. His testimony before the Committee on Ways and Means of the House of Representatives appears in part as follows:

Four-percent beer should not be regarded and should not be defined by law as intoxicating. * * * A 4-percent beer contains 3.2 percent of alcohol by volume. It is a light beer. A beer containing appreciably less alcohol than 3.2 percent by weight is called temperance beer, and it is properly so called. Some of the Danish and English beer containing 6 or 8 percent of alcohol may be drunk in such quantities as to be definitely intoxicating. But a 4-percent beer is so diluted as to be virtually nonintoxicating. It would require a considerable effort to drink enough to get drunk on it. If no alcoholic beverage other than 4-percent beer were known, the alcohol problem would be no more serious than the problem of tobacco.

[Applause.]

[Here the gavel fell.]

Mr. CROWTHER. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. TREADWAY].

The SPEAKER pro tempore (Mr. ABERNETHY). The gentleman yields back 16 minutes.

Mr. COOPER of Tennessee. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. MOREHEAD].

Mr. MOREHEAD. Mr. Speaker, talk is useless here today. I am sure in my own mind, at least, that every Member has his mind made up as to how he is going to vote upon this important question.

I admit it is a little chilly and lonesome for me here today. Ten years ago when I came to the House of Representatives Nebraska's membership stood 5 to 1, 5 in favor of our State law and the eighteenth amendment. Today, with the membership reduced by 1, I find it stands 4 to 1—4 for the beer bill and 1 against.

Sixteen years ago Nebraska voted upon this prohibition question. Prohibition was adopted there by some 30,000 majority, and we have a bone dry law written into our statute and also an amendment in our State constitution that forbids the manufacture, transportation, and sale of liquor or alcoholic beverages.

Sixteen years have passed, and the people, under the initiative and referendum law of the State of Nebraska, have the right to initiate and refer laws that are passed by the legislature and signed by the Government for final action by a vote of the people of our State. During this time the people have never asked to have this important question referred to the voters of our State. Eight sessions of the legislature have never made an effort to refer to the voters the question of the repeal of this bone dry law or State amendment.

[Here the gavel fell.]

Mr. COOPER of Tennessee. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. MOREHEAD. At the State convention of the Democrats of Nebraska last year they defeated a resolution to have the people vote upon this important question.

I have always felt that I come here as a Representative of the State of Nebraska. I believe in the democratic idea that when you know what the majority of the people want, a Representative should carry out the wishes of the people of his State. I try to be a Representative of Nebraska and not of some other State. I took an oath to support my State constitution and the Constitution of the United States; and with my vote I make no declaration that I am expressing my private views, but I have never broken faith; and I told the people 16 years ago when I was Governor that it was a question whether we could enforce this law, but that whenever the people passed upon the question that I would carry out the mandate of the majority of the voters of my State. I intended to keep faith with them.

This is the first occasion I have had to even express my thoughts or to make a statement, but I am going to have the benefit of my own conscience that I have kept faith with the people who have trusted me for so many years and shall vote here today against anything that would tend toward the repeal or the changing of the liquor laws which I took an oath to support. [Applause.]

Mr. CULLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EAGLE].

Mr. EAGLE. Mr. Speaker, I had the honor to be a Member of this body for 8 years, from 1913 to 1921. I voluntarily retired, and, besides attending to my personal business, I have put in most of this time in trying to persuade my people down in the Houston, Tex., section to help do away with this monstrosity known as the eighteenth amendment.

The district has been represented ably by a splendid gentleman, politically dry, for the last 12 years. Upon his recent death 33 persons ran against me and I received 61 percent of all the votes in my home county—the other 32 candidates receiving 39 percent—and I come here with a mandate to help wipe out this monstrosity known as "national prohibition."

I voted in 1914 against the Hobson prohibition amendment, now the eighteenth amendment, upon the ground that it violated individual liberty, local self-government, and the sovereign right of the people of each State to regulate their own domestic concerns to suit themselves. This is the foundation principle upon which Anglo-Saxon civilization is founded. It is the foundation principle upon which this Government rests. Recently I have voted to submit the question of the repeal of the eighteenth amendment.

Pending the repeal of the eighteenth amendment we now have the opportunity to amend that legal lie known as the Volstead Act, which declares beer having one half of 1 percent alcoholic content to be intoxicating. I find deep satisfaction so to amend it as to legalize 3.2 percent beer and to tax it so as to yield one hundred and fifty to three hundred millions per annum revenue to the Federal Treasury.

During the 13 years since the adoption of the eighteenth amendment there has been spent some \$30,000,000 per annum in futile attempt to enforce it—that is, some \$400,000,000 waste. During that same time the Treasury has been denied revenue of \$500,000,000 per annum—a total during 11 years of practically \$6,000,000,000. But for this national legislative folly there would be no deficit in the Treasury now, whereas there is at this time an aggregate of \$5,000,000,000 deficit.

National prohibition has totally failed as a panacea or a blessing. The Government has broken up nearly 2,000,000 illicit distilleries. It has imprisoned hundreds of thousands of victims. I am tired of the hundreds of thousands of illicit distilleries. I am tired of the 100,000 speak-easies. I am tired of the unspeakable bootlegger. I am tired of the unspeakable racketeer. I am tired of seeing this revenue of billions used to finance organized crime. I am tired of the spirit of intolerance and bigotry and hatred the prohibition regime has developed.

Fortunately, the country is nearly at the end of this folly.

By this bill we do not increase manufacture or consumption; we legalize a nonintoxicating beverage and turn the flow of its revenue into the Treasury, rather than into the hands of criminals.

The Federal Government never had any legitimate right to regulate the morals or the habits of the people, and the Federal Constitution should never have contained the eighteenth amendment that conferred a strictly police power on the Federal Government.

By amending the Volstead Act in this sensible way and by repealing the eighteenth amendment dry States and Territories will be protected, tolerance and fellowship practiced, and revenues derived, and individual liberty and local government and State sovereignty again enthroned.

Mr. CULLEN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. KENNEY].

Mr. KENNEY. Mr. Speaker, I rise, chiefly, because I feel that no discussion of this question would be complete unless there was heard the voice of the pioneers in the movement against the prohibition laws—the people of my State, the State of New Jersey—the State that gave to this country a man than whom there is no greater here, one who was indisputably opposed to the enactment of national prohibition, the self-same person referred to on the floor this afternoon, the revered Woodrow Wilson, of New Jersey. [Applause.]

To give effect to the will of the people of my State and of the Nation, I, with the other Democratic Members from New Jersey, will vote for this bill, and by so doing we, together with an overwhelming majority of this House, will presently pass a measure which, when enacted into law, will give help to our Nation and return to the individual States of the Union the right and liberty to say for themselves whether or not they shall permit the manufacture and sale of beer. By this course, and only by this course, shall we reestablish obedience to law and respect—genuine respect—for the Constitution of the United States.

Mr. CULLEN. Mr. Speaker, I yield to the gentleman from Maryland [Mr. PALMISANO].

Mr. PALMISANO. Mr. Speaker, the eighteenth amendment was adopted when this country was at war and notwithstanding the mandate of the people of Maryland, who had voted prior to the entering of the war against prohibition. The members of the Legislature of the State of Maryland violated their oath by ratifying the eighteenth amendment.

I can readily understand why they did it at that time, because our aim was to win the war. We have now internal war. The eighteenth amendment came in during the war with foreign countries, and it is now going out while we have war in our internal affairs.

There is one regret that I have, however, Mr. Speaker, and that is, that the tax on beer has been increased. In my mind it is taxed beyond the reach of the workingman. Never in the history of the country has beer been taxed more than \$1 a barrel, except in an emergency.

In 1862, during the Civil War, and in 1901, after the Spanish-American War, beer was taxed \$2, and \$3 during 1914, and then finally advanced to \$6. But in normal times the tax has always been a dollar, and now they have advanced it to \$5.

I regret that this bill is not open to amendment. If it were, I would offer an amendment making it \$2 a barrel.

Mr. Speaker and Members of the House, you are putting a tax of a cent and a half on every bottle of beer. That

is a Federal tax and does not include the local tax that the States and cities will require for permitting the sale of beer.

[Here the gavel fell.]

Mr. CULLEN. Mr. Speaker, I yield to the gentleman from Michigan [Mr. Sadowski].

Mr. SADOWSKI. Mr. Speaker, I have had the satisfaction of voting with the President on two of his messages, and now I have the supreme satisfaction of voting on the third for the beer bill.

This bill means work; it means jobs for the unemployed in my district. We have eight breweries, which will give employment to a large number of men.

I was somewhat amused at the colloquy between the gentleman from St. Louis and the gentleman from Milwaukee as to the quality of their beer. I desire to say that Detroit has just as good beer as theirs, and we are ready to go. We want this bill put through. It does not mean employment for men in my district only, but all over the country—the barrel factory, the grain men, everything together.

[Here the gavel fell.]

Mr. COOPER of Tennessee. Mr. Speaker, I yield to the gentleman from Texas [Mr. McFarlane].

Mr. McFARLANE. Mr. Speaker, I am thoroughly convinced that this Congress has shown that bread and not booze is the serious need confronting the people of this country; that a drunken citizenship cannot drink its way to prosperity.

If we analyze the situation before us, we find that the wildest claims of those who seem to be so deeply interested in the question of taxes derived from this measure are that the total will amount to \$150,000,000. They tell us that our country is in such a destitute condition that we must have this revenue, derived largely from the working people of this country, who are not now prosperous. There are more than 12,000,000 people out of work. Men cannot find honest employment; and yet you would have us believe that our country is in such a deplorable condition that we must have this revenue off the unfortunate habits of men and women.

MY PLATFORM

To explain my position, let me say that I am personally and politically dry. I became a candidate on the platform to resubmit the eighteenth amendment. I believe the people, when there is sufficient agitation on any question, should have the right to pass on the question. Had the last Congress not voted to submit the question of repeal to the people, I would have been glad to vote to submit that question to the people for their determination.

THE PRESIDENT'S VIEWS ON THE DEMOCRATIC PLATFORM

Permit me to quote now the President of the United States. On September 12, 1932, he wrote a letter to Mr. Christian F. Reisner, of New York, in which he concisely stated his views. The letter appears in the hearings before the Committee on Ways and Means of the Seventy-second Congress on the question of modification of the Volstead Act. The letter is as follows:

EXECUTIVE MANSION,
Albany, N.Y., September 12, 1932.

Mr. CHRISTIAN F. REISNER,
New York, N.Y.

MY DEAR MR. REISNER: I am always glad to hear from you. I believe that my talks so far on the prohibition plank of the Democratic platform outline my views on this subject. Regarding the last question, I might say that Democratic Senators and Congressmen are duty bound to vote in accordance with the views of their constituents regardless of their personal opinions.

I would suggest that you read my speech made at Sea Girt, N.Y., on August 27, copy of which I am enclosing.

Yours very sincerely,

FRANKLIN D. ROOSEVELT.

That being true, being pledged to the people of my district to vote against any beer or wine measure until the people have spoken on this question, I shall vote against this measure.

THE DEPRESSION AND THE SEVENTY-SECOND CONGRESS

It is hard for one trying to do the best for his people to treat seriously questions like this. In the last 4 years,

economically, our people and the Nation have been going from bad to worse. When Congress met in December 1931, it was heralded that the bottom had been reached in the depression and that hasty measures had been worked out by the wisecracks which, when enacted into law, would put us on the high road toward recovery. Sectionalism and politics were decried, and by unity of Democrats and Republicans the measures thus proposed were enacted into law. You all know the program sponsored by Mr. Hoover that was hastily rushed through—the moratorium, the Reconstruction Finance Corporation, and other measures. Let us look at the result. Then we had 6,000,000 unemployed and commodity prices were lower than they had been for years. Now we have more than 12,000,000 unemployed. These unemployed and their dependents number more than 40,000,000, and commodity prices are the lowest in the history of our country. Our currency is disturbed, more than 10,000 of our banks have been closed in the past 10 years, a banking "moratorium" has sent a shiver not only through this Nation but all over the civilized world. Where is the bottom? Where will this holocaust of misery end?

THE REMEDY OFFERED—BEER

In the presence of this cataclysmic condition, sane and seemingly sensible statesmen offer us the remedy "Give us beer." As the height of folly it is often cited that Nero fiddled while Rome burned.

THE PROHIBITION MOVEMENT

More than 50 years ago the lovers of peace and progress in this Nation became convinced that one great step toward betterment of our people would be to promote temperance in the Nation. It was begun by exhortation, propaganda, mostly by the church people, the women leading to save their boys from the drink evil. They soon saw that exhortation was futile in the face of those led by greed who plied their boys with liquor, so the "3-mile law", local option, was enacted. With this law as leverage they drove it from the churches and schoolhouses, from the counties, and then the battle royal was on. It was urged by the wets that it was useless to drive liquor from the units, that as long as it was sold in the State or Nation the betterment of conditions was impossible, that they were for temperance if it was feasible, and so forth. Well, we drove it from State to State, tried every measure of State control in vain, and at the beginning of the World War there were 36 dry States. Then the eighteenth amendment was enacted into law.

THE DRY'S MISTAKE

The dries then made the mistake of their lives—they stopped the agitation, stopped keeping up information to the young, the rising citizenship. Without counterpropaganda, this mistake of the dries, perhaps, would not have been disastrous; but the income and inheritance taxes pressing heavily upon the rich, caused by the expense of the World War, aggravated the situation. To get rid of these taxes it was necessary to find some other class upon whose shoulders to place the tax burden. To do so it was necessary to place it upon the backs of the poor, because there are so many of them; it is a "wider tax base."

OPPOSITION TO ENFORCEMENT

The wets organized the Association Against the Enforcement of the Eighteenth Amendment and financed its propaganda campaign. It is now seen that any cause, though a very bad one, may succeed if properly financed and vigorously prosecuted. It cannot be successfully said that the eighteenth amendment has not decreased the drink habit or that the temperance produced has not been of immense benefit, but it is urged that the eighteenth amendment cannot be successfully enforced.

The wets certainly have not aided in its enforcement nor attempted to. Conditions in Chicago, New York, and other wet centers attest that fact. The amendment providing for emancipation of slaves was considered of sufficient importance to enforce it with the bayonet; that was satisfactorily achieved. The forces behind the prohibition movement are not willing to use so drastic a remedy. Will no other remedy succeed? Time will tell.

I prefer to align myself with the Christian people of the Nation. The 30 churches of the Nation are behind the prohibition movement. They will not stop, they do not hesitate, they will not falter, they will not quibble. They are behind the movement to the end and will ultimately succeed because their cause is right and just.

UNCONSTITUTIONAL

Every lawyer in this House and in the Nation knows that this bill is unconstitutional. It is designed to turn loose the minions of evil, to increase the number of those who will profit by the "battle for booze", repeal of the eighteenth amendment.

I enlisted on the side of the battle for right and justice in early manhood. I have not changed sides; odds make no difference. One man and a just cause are a million. I have four children, hostages in the battle. I want for them a dry Nation. On bended knee in the Christian homes of this land, millions of them, prayers are going up to the God of Justice and Right for the success of this battle. Such a course has never failed yet; it will not fail this time.

MAJORITY RULE

I prefer to stand on the side of the Constitution and uphold the law. If the wets succeed in repealing the eighteenth amendment, I will abide by the will of the majority and uphold the law and Constitution as it is written. I have lived in a wet State and a wet county. I have seen the change and prefer a dry State and Nation. Changed circumstances and conditions favor the dry cause.

OUR MODERN AGE

We now have a highly mechanized Nation. We have spent billions to build good roads for our comfort and convenience. Our people use the most highly developed electrically driven machinery in trade, in the air, on our highly improved railroads, and on our highways. It is unthinkable that we will increase the hazards by placing all this highly improved machinery in the hands of booze-soaked operators.

You may succeed for a time, but sane second thought will again overturn it; you cannot fool all the people all the time. Call a meeting to propagandize the repeal of the eighteenth amendment and look at your crowd shouting "hurrah"; then go to a meeting called to uphold the constitutional amendment; it is composed of the thoughtful business men who have at heart the welfare of their employees, the fathers and mothers who have sons and daughters whose welfare they have at heart.

Think it over.

Mr. CULLEN. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas [Mrs. McCARTHY].

Mrs. McCARTHY. Mr. Speaker, unlike one of the other Representatives from Kansas, I am not going to deny the fact that a great deal of liquor is being sold in the State of Kansas. In fact, I come from one of the wet counties in the State of Kansas, and merely because I came from that county I had a great deal of unfair persecution during this campaign. You may expect me to be an ardent supporter of this bill; but I think this bill is premature, will not accomplish its purpose, and will not raise the revenue desired. It is a discrimination in favor of big business. I have already said that my county is a wet county; however, I do not think all of the homebrewers in my county could raise the \$1,000 license fee, and illicit liquor will continue regardless of any measure of this kind. I am for control and regulation, but I do not think this bill will accomplish its purpose; and no revision of the Volstead Act should be made until the people of 36 States have expressed their opinion in regard to the repeal of the eighteenth amendment. [Applause.]

Mr. CULLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker, when this bill becomes a law, the people of my city, St. Louis, will be singing "Happy Days Are Here Again", and why? Because the outstanding industry of that city was destroyed 13 years ago by the enactment of the Volstead law over the veto of Woodrow Wilson. Thousands of men will go back to work.

This law becomes effective 15 days after it is signed by the President. On that day from the city of St. Louis to the four corners of the country, wherever it is permitted to be sold, beer will be shipped. The vats of the breweries of the country are filled today with cereal beverages, sealed, under the jurisdiction of the Treasury Department, which contain alcoholic content of 3.2 percent. If this bill should not pass, that beverage will have to be dealcoholized, but I believe it will not be dealcoholized. It is aged and ready for consumption. [Applause.] And I might add, despite the statement of the gentleman from Milwaukee, it is the finest beer brewed in this country. It will go on the market immediately. It will be shipped to ports on both the Atlantic and Pacific and be sent throughout the world, as it was before the enactment of the Volstead law.

Something has been said about the District of Columbia. The assistant corporation counsel, Mr. West, told me that he was of the opinion this bill will apply to the District of Columbia and will permit the sale of beer in the District. He says that the National Prohibition Act repealed the Sheppard Act, and when the National Prohibition Act is repealed by this law, then it will permit the sale of beer in the District of Columbia. I hope he is right, because the people of the District are entitled to beer, and we as their legislators should permit them to have it. If it is good enough for our constituents, then it should be good enough for those whom we represent who have no voice in this body.

This is a bill to divest the bootlegger of his income. It is a bill to enrich the Treasury, to relieve the taxpayers of the country of some of the burdens that bear heavily upon their shoulders. We have waited 13 long years for this opportunity, and on behalf of the people of my city I thank the Members of the House for the action it is about to take. [Applause.]

Mr. COOPER of Tennessee. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. STRONG].

Mr. STRONG of Texas. Mr. Speaker, it is not necessary for me to state that I am new in this body. Recently I stood in this Hall and held up my hand and took a solemn oath that I would stand by the Constitution and the laws of this Nation. If I were to vote for this bill, I conscientiously believe that I would be a perjurer today. Therefore, I am not going to vote for it.

One phase of this matter has not been mentioned. It is claimed this will put many thousands of people to work and will bring revenue into the Treasury. I say that it will put more people out of employment than it will give employment to. Since the eighteenth amendment has been in effect the dairy business and the manufacture of milk products has increased several hundred percent. The grocery business has increased several hundred percent. The soft-drink business has increased several hundred percent. All of these industries employ many more people than the brewery business. If the bill should pass, it would put thousands of those people out of employment, and it will not raise the revenue that is anticipated.

Speakeasies have been talked about. This bill will encourage speakeasies and will double the number of bars wherever it is put into effect.

I make this proposition: If the wet newspapers, the wet magazines, and the wet organizations of this country will join in the enforcement of the law instead of trying to nullify the Constitution and laws of this country, then if prohibition is a failure, I will vote to repeal it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. STRONG] has expired.

Mr. TREADWAY. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Speaker, as a Member of the Congress which enacted the eighteenth amendment, I was a supporter of the measure. I am ready to confess today that the enforcement of that law has been a great disappointment to me, but I am sure that what is proposed here now, and what is proposed to be enacted in the future, in the form of

the repeal of the eighteenth amendment, will be even a greater disappointment to you Members who have the power to pass this bill, but will not have the power, if you do pass it, in my judgment, to repeal the eighteenth amendment.

If I have time, I will try to tell you why, from my experience in listening to all the debate as we approached the enactment of the great eighteenth amendment, and what has occurred in the 10 years that have followed, why I oppose this beer bill. Drawing the sentiment of the public as I have, in many campaigns, particularly the last one, when I was opposed by a prohibitionist, or many of them because they thought I was wet, I make that statement. They thought I was wet because I was not radically dry. While I was opposed by a very ardent minister of the gospel and a very able Democrat, in fact two of them, the result is shown in the fact that I am here today.

There are two things I want to say in this short time I have to address you, the first time since 10 years ago, when I was a Member of this House, and then 15 years before that. We approached the war; we won the war; we supported the President in his great purpose. We saw him go to defeat, lied to and cheated by the chicanery of the diplomacy of Europe; saw him sicken and die, and lamented it all because he had a greater proposition for peace than was ever before offered by anyone in the world [applause], and that was that there should be no conquest. You can readily see how war for all time would be averted if the treaty of Versailles, in which they promised Woodrow Wilson there would be no conquest, had been lived up to. You see what is happening. You observe what has become of the German colonies. You see what Italy has done, and you will see what Germany is going to do to recover the eagles that were taken from her colonies in Africa and the islands of the sea. That is a prediction.

I say I am not a radical prohibitionist. I am liberal on everything, on account of the very population that we have here, and the right given under the Constitution in the matter of religion and even as to this matter; but we must protect our country. I am saying to you that I am for prohibition, if you would call it that, or restraint or control of this thing, for an entirely different reason than prohibitionists or preachers usually are; not only because in the platform of the party of my choice is written a pledge that we are to have no saloon, still you are going to write out that pledge today, my Republican friends, when you vote for this measure and repudiate our platform. I have never yet done that.

Now, why am I against this bill? I am against this bill, Mr. Speaker, because there is growing up in this country an element which will control the saloons, which is increasing at the ratio of 9 to 3, and in two generations they will dominate the country, and that is the reason we want to control this thing and save something of our Sunday.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. TREADWAY. I yield to the gentleman from Pennsylvania 1 additional minute, Mr. Speaker.

Mr. FOCHT. One minute is all I want. I have been looking upon you with all admiration from a distance and admiring your ability to get through all kinds of trials and tribulations. I did not get through all of mine, but nevertheless we are here and want to work together. I like to see the splendid good humor on the part of everybody. My friend [Mr. Watson] with whom I will dine tonight, just made a wet speech. I am trying to make one measurably dry.

Now, you talk about raising revenue. It is the strangest thing, as I stand off behind the lines and watch you struggle to raise revenue. Why do you not do the one thing that was proposed by a Democratic Speaker, Mr. Garner, and a Republican President, Mr. Hoover, and pass a sales tax? Oh, I know you are against it. There are two fundamental principles of taxation, equality of levy and judicious expenditure, and there is only one way to have equal taxes, and that is by a sales tax, under which we will get our relative share, but never know anything about it.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. COOPER of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. ROGERS].

Mr. ROGERS of Oklahoma. Mr. Speaker, this is my first appearance. I feel as if I am in a hole. I want to say at the outset that I intend to vote against this measure. One of my colleagues here said he had about 30 opponents in the last election. Well, I had half a dozen more than he had, but mine were all wet and could not swim, so I won. My namesake, the humorist, supports the other side of the proposition, so I got all the votes.

Someone said the other day that it takes courage to support measures such as we have been considering. I want to say that it takes more courage to stand by yourself than it does to stand with the majority. Someone said we are going to raise \$150,000,000 in revenue. In my humble opinion, we will not raise one third that amount. Now, you will wonder why I am opposed to this measure. Ladies and gentlemen, I have been a school teacher all my life—just a little country school teacher—but I could not go back to my State and look in the face the boys and girls that have been under my supervision if I voted for a measure such as this. [Applause.]

One Member stood here in the well and said we wanted to do the right thing by the boys and girls of the country. Yes, we do; but if we do, we will have to vote against this measure.

Another Member said we cannot enforce the law; that we have not been able to enforce the prohibition law; so let us repeal it. Why not repeal all laws that cannot be enforced? We have a law on the statute books against murder. It does not prevent murder. Why not repeal this law?

At this time I do not raise the question as to whether the provisions of this bill are constitutional, as some of my colleagues have. I raise only one question in considering any measure: Is it right? If it is right, I am for it. If it is wrong, I am not for it.

It was said on the floor that as soon as this bill is passed the people will be singing "Happy Days are Here Again." Let me make the observation that people under the influence of intoxicating liquor usually sing, and usually they do not know what they are singing.

In conclusion let me say, particularly to the Democrats, that if this measure passes, you will in the future mark my words as I ask you today to remember this text: "As ye sow, so shall ye also reap." [Applause.]

Mr. CULLEN. Mr. Speaker, I yield one half minute to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by inserting at this point in the RECORD a short minority report on the Collier bill in the last session of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The matter referred to follows:

MINORITY VIEWS OF MESSRS. RAGON, SANDERS, AND COOPER

We have heard and read all of the testimony before the Ways and Means Committee relating to the proposed legislation on beer. Taking all of this testimony as a whole and duly considering same, we are of the opinion that the proposed bill is violative of the Constitution of the United States, which in this regard reads as follows:

"After 1 year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

As Members of Congress we took the following oath:

"I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Therefore we cannot under our oath support this legislation.

We further submit that the proposed bill is not only in violation of the Constitution of the United States but of the Democratic platform, which calls for the "sale of beer and other beverages of such alcoholic content as is permissible under the Constitution." The above quotation from the platform shows that it was not the intent of those framing the platform to declare for legislation which would be violative of the Constitution.

The very clear and definite proof before the Ways and Means Committee during the extended hearings on this bill shows conclusively that beer of alcoholic content of 3.2, which means beer of 4 percent alcohol by volume, is intoxicating in fact and is the same type of beer which was generally produced and sold prior to the Volstead Act. The sale of such beer because of its alcoholic content is not permissible under the Constitution.

HEARTSILL RAGON.
MORGAN G. SANDERS.
JERE COOPER.

Mr. CULLEN. Mr. Speaker, I yield one half minute to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Speaker, I wish at this point to secure unanimous consent to revise and extend my remarks by discussing paragraph 7 of this bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARLAN. Mr. Speaker, it would seem to one having heard the question of prohibition discussed on the floors of Congress on 4 or 5 different occasions that about everything pertinent to the merits of that question has been said, and it is not my desire at this time to enlarge upon this subject, but I should like to direct some remarks as to the advisability either of the amendment of section 7 of the bill as submitted or of the absolute deletion of that paragraph.

The paragraph reads as follows:

SEC. 7. Whoever orders, purchases, or causes beer, ale, porter, or other similar fermented liquor, containing 3.2 percent or less of alcohol by weight, to be transported in interstate commerce, except for scientific, sacramental, medicinal, or mechanical purposes, into any State, Territory, or the District of Columbia, the laws of which State, Territory, or District prohibit the manufacture or sale therein of such fermented liquors for beverage purposes, shall be fined not more than \$1,000 or imprisoned not more than 6 months, or both; and for any subsequent offense shall be imprisoned for not more than 1 year. If any person is convicted under this section, any permit issued to him shall be revoked. Nothing in this section shall be construed as making lawful the shipment or transportation of any liquor the shipment or transportation of which is prohibited by section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, as amended and supplemented (U.S.C., supp. V, title 27, sec. 123).

With the exception of the latter part thereof, this is a reenactment of the old Reed amendment to the Webb-Kenyon Act. It was originally passed in 1917, not to procure the real enforcement of prohibitory laws but to put such strict restrictions on the States that had voted for prohibition that other States would be discouraged from following in their footsteps.

The Webb-Kenyon law provided that no intoxicating beverage could be shipped into any State or Territory contrary to the law of that State or Territory, and is set forth in paragraph 6 of the bill before the House, which reads as follows:

SEC. 6. In order that beer, ale, porter, or other similar fermented liquor, containing 3.2 percent or less of alcohol by weight, may be divested of their interstate character in certain cases, the shipment or transportation thereof in any manner or by any means whatsoever, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which fermented liquor is intended by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited. Nothing in this section shall be construed as making lawful the shipment or transportation of any liquor the shipment or transportation of which is prohibited by the act of March 1, 1913, entitled "An act divesting intoxicating liquors of their interstate character in certain cases" (U.S.C., supp. V, title 27, sec. 122).

Senator Reed by his amendment, instead of prohibiting the shipping of intoxicating liquors into the State or Territory contrary to the laws thereof, prohibited the shipping

of intoxicating liquors into a State or Territory "where the manufacture or sale therein" was prohibited. In other words, the desire of Senator Reed was to place such restrictions on the citizens of the dry States that if they desired to prohibit the manufacture of intoxicants in their own States they could not by any possibility procure intoxicants from any other State, even though the State adopting the prohibitory laws expressly permitted its citizens to purchase intoxicants in other States.

At the time the Reed amendment was adopted, 26 States had declared for prohibition, and 13 of these States expressly pressed their citizens to purchase intoxicants manufactured in other States.

Senator Reed hoped by his amendment to prevent other States from taking this drastic step. He hoped to stop prohibition, not to favor it.

I shall take second place to no Member of this House in my opposition to prohibition. I am opposed to it on a great many grounds, but foremost among those grounds is that I believe that the people of every State should have the right to adopt and enforce the laws of that State as long as they are not infringing the rights of the people of other States; and I now believe, at the beginning of this era when prohibition is to be repealed, that the people of the various States who desire to prohibit the manufacture and sale of intoxicants within their own borders ought to be encouraged to do so without the United States Government saying to them, as it does in section 7 of this bill, "If you prohibit the manufacture and sale within your borders we will prohibit your citizens from purchasing outside of your jurisdiction." The State itself ought to be empowered to make this law if it so desires, and section 6 of this bill protects the State in this right, because it provides that the importation of liquor into any State is prohibited only where such importation is contrary to the laws of that State.

Manifestly, then, either the whole of section 7 should be stricken out, or at least the words "manufacture or sale", between the words "herein" and "the", should be stricken out and the word "purchase" inserted.

We can well conceive that a State might not wish to have intoxicants or, if you please, 3.2 beer manufactured or sold in its borders, and yet would have no objection to its citizens buying these products manufactured and sold in other States.

As I stated above, prior to our prohibition era 13 States had expressly so provided in their laws. We are now liberalizing our laws in the interest of State rights. Let us carry out this as a principle and not simply as a matter of procuring beer and whisky. Let us adopt this principle to the protection of those States that wish to become or continue to be prohibition States.

If this country should desire to adopt prohibition based upon the State units, as much as I am opposed to the present prohibitory laws, I should be the first to hail such an effort on the part of the States to overcome the evils attendant upon the abuse of intoxicating liquors. We have just completed a noble experiment. We might profit by our experience and desire to try a more rational one.

Mr. CULLEN. Mr. Speaker, I yield one half minute to the gentleman from New York [Mr. LANZETTA].

Mr. LANZETTA. Mr. Speaker, under the leave to extend my remarks in the RECORD, I cannot conceive how any Member of this House can with honesty and sincerity vote against the beer bill (H.R. 3341), which is before this body today. I am in favor of this bill because it is another step in the annihilation of that gruesome law, the eighteenth amendment, which wrought so much disaster and havoc in this country, both from an economic and moral standpoint.

The facts are too well known and it would be a waste of time to again review them. To the opponents of this bill, I say they are either insincere or too lazy to find out what the actual conditions were and have been under this law. We all know that since the advent of prohibition there never has been a dry spot in the United States, and that liquor flowed more freely during this period, only at a higher price and of an inferior quality. Furthermore, it was also avail-

able to everyone who wanted it, including boys and girls of tender years who prior to prohibition would have found it practically impossible to obtain it.

The challenge by the gentleman from Missouri of the statement by the gentleman from Kansas that his State was upholding the law and that its citizens had benefited thereunder is an example of the insincerity or lack of knowledge on the part of the advocates of prohibition. I have no hesitancy in saying that if we were to go into the States, cities, counties, and hamlets of all the opponents of this bill that we would find the same or similar conditions which have prevailed in the State of Kansas.

Last Saturday we found many of the opponents of this bill in favor of the President's economy bill and in voting for that measure they stated that the President should be supported at all costs on any emergency measures he sent to the House. Of course, that bill involved only the rights of helpless veterans and underpaid Federal employees and those rights could be easily cast aside with impunity. The bill now before the House is also an emergency measure because of the revenue our Government will derive from its passage. Let us now see if the opponents of this bill are just as willing to uphold the President of the United States in this emergency measure and if they can just as easily forget the rights of the Anti-Saloon League and other prohibition organizations whose edicts they have followed in the past.

As for the tax on beer proposed in this bill, I concur with my friend, Mr. PALMISANO, of Maryland. I too feel that the tax is too high and that it puts beer out of reach of most of the working people of this country. While I shall not oppose the bill on this ground at this time, I hope and trust that when this economic crisis has passed and when our Government has no more need for this additional revenue Congress will then revise this tax and establish it at an amount which will make the cost of beer sufficiently low so as to bring it within the reach of every adult in this country who desires it.

Mr. CULLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CLAIBORNE].

Mr. CLAIBORNE. Mr. Speaker, what I have to say at this time is not to be charged against the delegation from Missouri. It is my own view. As a drinking man I am interested in the beer bill. I like a good drink. [Applause.] Not only do I like a good drink of beer, 3.2, but a good drink of whisky; and I hope the time will come when I can walk into a good saloon in my city, stand at the bar, and buy a good drink of liquor and pay for it. [Applause.]

Mr. Speaker, it is not that we of Missouri are devoid of liquor. We have been riding white mule for years and have come to love it like Lee loved Traveler; but in my district there are many brewing interests, among them Anheuser-Busch. I say to Detroit, to Milwaukee, and to Germany that nowhere are people better prepared to furnish America with good beer, give work to many, and pay large taxes than we in St. Louis. I thank you. [Applause.]

Mr. CULLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. YOUNG].

Mr. YOUNG. Mr. Speaker, in 1917 and 1918, at a time many of us were away from our homes and loved ones, forming the grandest army ever gathered together under the bending sky of God, offering lives as sacrifices on the altars of freedom, an argument advanced was that closing breweries would release thousands of men from industry for military and other service in winning the war. Now, after 13 years of futile attempts to enforce this experimental legislation by the expenditure of more than \$325,000,000 of public money, I use the same argument. We should pass this measure immediately. The American people have spoken, and in no uncertain terms. The water wagon met its Waterloo on November 8. Legalization of beer—reopening of breweries—will give needed employment now to many men and will bring into the coffers of our Government many million dollars additional revenue. It will provide an electrical thrill and stimulus to some 60 industries. I am in favor of immediate liberalization of the Volstead Act, which Woodrow Wilson had the courage to veto and which was

enacted over his veto by a hostile Congress. Let us have temperance instead of prohibition! Let the Government profit instead of the beer racketeer profiteer! Let us put America to work! [Applause.]

Mr. COOPER of Tennessee. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. CULLEN].

Mr. CULLEN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Speaker, there is an old adage which says, "Whom the gods would destroy they first make mad."

Today the wets are out to destroy the dries; the liberals to destroy the grip and power the fanatics have exercised in this legislation for the past 12 years. It is but a handful of die-hard prohibitionists who will today defy the will of the American people by refusing to support modification.

The passage of this measure is resultant of the pledge incorporated in the Democratic national platform of the Chicago convention, June, 1932. President Roosevelt courageously proclaimed to the American public in his speech of acceptance that, in the event the Volstead Act was not modified in the lame-duck session of the Seventy-second Congress, he would assemble the new Congress in extraordinary session to secure the mandate of the people of the United States.

Mr. Speaker, in my opinion this is the beginning of the end of fanaticism, bigotry, intolerance, and lawlessness in our beloved country. It is the opening wedge of the restoration of personal liberty, and it will give opportunity to the racketeer, obsessed preachers of this country to return to their pulpits, once more open their Bibles closed for a dozen years, and preach the doctrine of Christ crucified instead of Volstead deified.

As a citizen of my community, and as a jurist for 8 years before I came to this Congress, I lived close to the prohibition operations. All of us, except those who are so blind that they will not see, know full well the tremendous cost of attempted enforcement, and the billions of dollars in revenue lost to the Nation and its subdivisions of government. The unnatural law of prohibition has filled our jails to overflowing. It is incredible that this great Nation of ours, a nation of liberty-loving people, would endure for so long a period the devastating results of this sumptuary legislation.

In reviewing the pages of history we are amused to discover that in the early days of New England, during the period of blue-law legislation, it was a crime for a man to kiss his wife on a Sunday. I wonder what the historian of tomorrow will think when he writes the history of the last 12 years, the history of madness unsurpassed in any nation of the world; what will he think of the spectacle of men rising in this very Chamber and applauding the act of a prohibition officer shooting an innocent victim; what will he think of the conduct of a sovereign State in sentencing to jail for life the mother of seven children because she had in her possession a pint of liquor, in violation of the blue law of that State; and what will he think of a law on the statute books of Ohio, a miniature Volstead Act, permitting the imposition for a first offense of a \$1,000 fine for the mere possession of a bottle of beer, or a few ounces of wine, whose alcoholic content was in excess of one half of 1 percent, and which made possible a penitentiary sentence for the third violation of such an offense?

The old cry that this legislation would bring back the saloon, as far as I am concerned, falls upon deaf ears. For every saloon operating during the preprohibition era, we now have a hundred speak-easies—uncontrolled, unlicensed rendezvous for criminals and denizens of the underworld. Prohibition has made the youth of our land a Nation of hard drinkers. Our dry friends preached that the Volstead Act was created for the protection of the children then in grade schools, but today these children are its chief violators.

Testifying before the Senate committee, the first session of the Seventy-second Congress, in support of Senator Bingham's 4-percent beer bill, I recited the fact that in 1929 in the city of Cleveland 32,000 were brought before the bar of justice to answer to the charge of being intoxicated,

and the average age of these offenders was 25 years. These youths were addicted to canned heat, corn, and other illicit poisonous liquors, and they admitted that if wholesome palatable beer was available they would probably not resort to drinking hard liquor.

The passage of this legislation is a step in the right direction. It permits the manufacture and sale under State control of wholesome beer of an alcoholic content which I personally believe the Supreme Court will declare, if the controversy be brought before that distinguished body, a non-intoxicant in fact.

Hundreds of thousands of our citizens can now discontinue the pastime of making homebrew in the basement. I have visited many a cellar, but never have I found the by-product of such institutions comparable to the beverage produced by a skilled brewer, and especially the great industrial brewers of this country.

I believe that the advent of this legislation will allow law-enforcement officials to devote their time and talent to the destruction of the racketeer and kidnaper, who arose from the ashes of prohibition and are the offspring of this unsound legislation. Last year, 2 weeks before the kidnapping of the Lindbergh baby, before the Committee on the Post Office and Post Roads of the House, of which I am a member, a group of business and commercial men appeared in an effort to secure more stringent legislation respecting the crime of kidnapping. They revealed a gruesome tale of over 114 kidnappings which took place in this country during the past 2 years without knowledge of the newspapers or police officials where these crimes were committed. In response to an inquiry by a member of the committee to the president of the Chamber of Commerce of St. Louis, Mo., as to what, in his opinion, caused this epidemic of kidnappings, the president of this reputable organization unhesitatingly stated, "Congressman, nothing else but national prohibition." Mr. Speaker, I thank God I have lived to see the day when this measure will pass the House by an overwhelming majority. Its successful passage in the Senate is inevitable. Its enactment vindicates our faith in Democracy and the sound judgment of the American people, who have suffered quietly for many years because of the cowardly acts of spineless legislators in refusing to allow full debate and discussion of the question of modification of the law we are seeking to change today. With the exception, perhaps, of a measure looking toward further modification permitting the manufacture and sale of light wines, the next and final deathknell to national prohibition will be the ratification by constitutional majority of the sovereign States of the Union, ending forever this cursed law of prohibition.

[Here the gavel fell.]

Mr. CULLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, ladies and gentlemen of the House, sound arguments made on this floor should at once convince every reasonable Member that there should be no further delay in the passage of this bill to amend the Volstead Act and permit the manufacture and sale of beer and malt products that do not contain more than 3.2 percent of alcohol, which content the most outstanding chemists and physicians testify is nonintoxicating.

The few prohibitionists who seem still to be controlled by the long-ago discredited Anti-Saloon League have today utilized the same worn-out arguments that have been used in favor of prohibition for more than 20 years. Those arguments are thoroughly untenable. While I feel that the bill I introduced would have been accepted by the Senate without amendment, this bill shall have my support, as I feel that the millions of people who have been for years deprived of their rights by the prohibition law should no longer be deprived of those rights, and that speedy action should be had.

We passed a similar bill in the last session of the Congress, and, had the Senate been more considerate of the unequivocally expressed wishes of the people, and had President Hoover been less obstinate and not dominated by the fanatical prohibition interests, beer could have been legal-

ized long before this and the country would be receiving a large revenue from the manufacture and sale of beer, which revenue would contribute very materially to balancing the Budget.

I fully recognize and concede that at this time the revenue from the sale of beer will not be so great as was originally anticipated. This is due to the deplorable economic conditions—15,000,000 of people out of employment, business at a standstill, banks closed, and hardly any money available to the masses of our people. Nevertheless, this bill will immediately bring a revenue, directly and indirectly, to the United States Government of approximately \$100,000,000 a year and will also bring to the States and municipalities much-needed revenue.

This bill, moreover, will be most helpful to the country at large by reducing the surplus of barley and wheat, which will, no doubt, result in higher prices for these commodities, and which will inure especially to the benefit of the farmers.

I am confident that by the adoption of this bill we shall see the laws of the land complied with and crime reduced. It will not, as has been charged by the gentlemen from Ohio and Kansas, educate the young people to drink intoxicating liquor and encourage drunkenness. The contrary is true. It will aid in eliminating the hip-pocket flasks of men and the private flasks of young girls, which have been in evidence for the last few years. I feel that the enactment of this bill will make for sobriety, decent temperance, and, as I have said, real law and order. The present arguments against the passage of this bill, as stated before, are arguments that were used effectively by the prohibitionists when they unfairly forced this crime-breeding, fatuous, destructive prohibition law upon the American people by a minority vote.

I only too well remember the promises that by prohibition we would eliminate crime, bring about law and order, reduce taxation, bring about prosperity, effect a millennium, and that we would have a really sober Nation. It was by these sophistic arguments that many well-meaning, sincere persons were misled.

As chairman of the Committee on Alcoholic Liquor Traffic nearly 25 years ago, I studied the prohibition question in the States of Maine, Alabama, Kansas, and Iowa, as well as in foreign lands, and, after many years of study, I came to the conclusion that prohibition is an abject failure anywhere; that it does not tend to bring about real temperance, but in fact engenders and promotes a disregard not only for the prohibition law but for all other laws. Therefore I have at all times opposed the enactment of prohibition legislation and have, ever since its unwarranted, untenable, and foolish adoption, aimed at effecting its repeal. Therefore, after these many years, I am today indeed gratified by the turn of recent events, and if conditions were not so deplorable and serious, and if it were possible for anyone to be happy under existing conditions, I assure you that I would be happy today to aid in passing legislation that will decisively and beneficially modify the unreasonable and harsh Volstead Act and shortly bring about a repeal of the eighteenth amendment, which made the Volstead Act possible.

This bill would return to the respective States the rights that have been ruthlessly taken from them and restore to the people, as I have often said, their personal liberties.

I have always maintained and still maintain that when the facts are brought to the people they will soberly and wisely declare against an existing evil; and this prohibition legislation is a most tangible evil. That I am and have been right in my contention and belief is proved by the vote last November, when more than 24 millions of American freemen, with the wisdom of 13 years' experience, voted in favor of a party whose candidate courageously, unequivocally, unhesitatingly declared for immediate repeal of the eighteenth amendment and modification of the Volstead Act.

There can no longer be any question as to how the people of the Nation feel about prohibition, and it is my honest, mature opinion that it is our clear duty to carry out the

mandate and the wishes of that great majority of American citizens; and I hope that the membership of this House will without further delay vote in favor of this bill, so that we may again, in good conscience, enjoy our wholesome, nutritious beverage without violating the law of the land.

That it is within the power of the Congress to pass this law, that it is constitutional, no one will deny.

In conclusion I want to thank the many sincere men and women who, under the most adverse conditions, supported me in my fight. To them I extend my hearty thanks and appreciation. Those who opposed my efforts in this connection will, I hope, come to the conclusion that their views and beliefs were not justified and that it is for the best interests of the Nation, after 13 years of sad experience, to pass this bill, because no law, such as the prohibition law, can be enforced unless it meets the approval of a majority of our citizens. That we have paid dearly for this sad experience everybody must concede; and let us hope that in the future we will carefully weigh any action that would change the habits, customs, and mode of living of American citizens. I hope and expect that within a few days the wishes and mandate of the American people will be complied with. [Applause.]

[Here the gavel fell.]

Mr. CULLEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Speaker, this is indeed an auspicious day. In the Sixty-eighth Congress there were about 26 men on both sides of the aisle who were in favor of amending the Volstead Act. I congratulate these pioneers. One of them has just addressed you, the gentleman from New York [Mr. CULLEN], who is in charge of this bill. [Applause.]

There was this valiant little band of warriors that kept this question alive during all the years; although overwhelmed in great numbers, yet we never lost heart. We carried on. We kept the question alive in order that the American people some day might realize the iniquity thrust upon the people of this country by the adoption of the eighteenth amendment.

Today I have listened to most of the arguments, and we only have the same two advanced against the bill that have been used during all the years, and what are they?

First, that it brings back the saloon. Everybody knows that whether or not the saloon comes back is within the province of each individual State. Each State can regulate the method of selling this beverage within its own boundaries. So much for the saloon.

The other argument that is advanced is that of nullification. Who is there in this House today who will rise in his place and say that the President of the United States is in favor of nullifying the Constitution? Who is there that would dare to make this assertion, and who can rise here and point his finger at any man, at present a Member of this House, and say that he is trying to nullify the Constitution of the United States?

Mr. McFARLANE. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. McFARLANE. Does the gentleman say that 4-percent beer by volume is not intoxicating?

Mr. BOYLAN. As I know it, the content of the beer under this bill is 3.2 percent and not 4 percent.

I need not tell you the benefits that will accrue to our people through the passage of this bill. Among the many, I will recite just a few. It will help the farmer by restoring his barley crop and increase his sales a hundred million bushels a year. It will help the cooperage industry, as 12,000,000 new barrels will be needed.

It will help the steel industry; it will help the motor industry. The glass industry will be benefited, also the electrical and metal industries.

Millions of dollars' worth of refrigeration units will be called for. The wooden-box manufacturers will get a large volume of work. The bottle-making-machinery manufacturers will be kept busy. The railroads will benefit to the extent of \$50,000,000 per year in freight charges.

In addition to all these items the Government would be saved the staggering cost expended for the arrest, trying, and convicting of violators of the Volstead Act.

Finally, in passing this bill, we will simply keep faith with the people as promised in the platform adopted by the National Democratic Convention in Chicago in July last. [Applause.]

[Here the gavel fell.]

Mr. TREADWAY. Mr. Speaker, for the third time in less than a week I find myself voting in support of the recommendations of the President of the United States. [Applause.] I am inclined to think I am beginning to qualify as a nonpartisan. [Laughter.] I have always rather prided myself on being a pretty strict Republican partisan, but here today I am about to vote for the third recommendation of President Roosevelt. [Applause.]

The first measure I gladly voted for in that, as President of the United States, he informed us that in his opinion a great emergency existed which called for our patriotic support of whatever recommendations the President of the United States saw fit to make.

On Saturday the President asked us again to support an economy measure. For a long time I have advocated economy in appropriations, so I was pleased to follow again the request and suggestion and advice of the President of the United States.

Yesterday the President submitted to the Congress what I think is the briefest presidential message that has ever been read here, certainly within the 20 years that I have been a Member of this House, and I do not think it will do any harm for a Republican Member to read this brief message of the President. He said to the Congress:

I recommend to the Congress the passage of legislation for the immediate modification of the Volstead Act, in order to legalize the manufacture and sale of beer and other beverages of such alcoholic content as is permissible under the Constitution; and to provide through such manufacture and sale, by substantial taxes, a proper and much-needed revenue for the Government.

I deem action at this time to be of the highest importance.

There are two outstanding features in this brief message that I desire to call again to the attention of the House; namely, the manufacture and sale of beer of such alcoholic content as is permissible under the Constitution. It is not for us to say, Mr. Speaker, what the alcoholic content is that is permissible under the Constitution. I have not the slightest doubt that eventually this question will be tried out before the Supreme Court of the United States, which, of course, has final jurisdiction as to the interpretation of the Constitution; and certainly Mr. Roosevelt, as President of the United States, is within his rights in offering us advice about manufacturing an article that will not be contrary to the provisions of the Constitution.

The other item of this brief message that I wish to refer to is the one wherein he says it will provide us with a proper and a much-needed revenue.

It is on this point that I wish to say a word, because originally I felt that this so-called "beer bill" had no place within the jurisdiction of the Ways and Means Committee. We are a revenue-raising committee and not a committee to pass on legal or constitutional questions, in my opinion; but under the provisions of the rule with respect to the reference of measures to committees this measure was submitted to the Ways and Means Committee in the last Congress, and has been resubmitted to the committee in this session of the Congress. Therefore it is, to my mind, so far as our committee is concerned, a question of revenue, to which the President referred in his message. Accordingly I desire to call attention to the two features of the bill now before us having to do with revenue.

On page 2, line 2, there is provided a tax of \$5 per barrel on every barrel containing not more than 31 gallons.

On line 20, page 2, there is a tax of a thousand dollars for every brewery. One is an occupational tax and the other a direct tax levy.

Now, this first item of \$5 per barrel is estimated to bring into the Treasury a revenue of not less than \$150,000,000 per annum.

Mr. McFARLANE. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. McFARLANE. Under the economic conditions of the country today, does the gentleman think it will bring in anywhere near that amount?

Mr. TREADWAY. A year ago we had experts of the Government before us in hearings on the revenue law, and they said it would bring in anywhere from \$125,000,000 to \$150,000,000 per annum, and it is further stated that \$125,000,000 is the lowest amount.

Now, we have heard a great deal in previous debates as to the possibility of getting a glass of good beer. The brewery people testified that with a tax of \$5 per barrel you would still be able to get a good 5-cent glass of beer. Therefore, I think it would be very foolish for Congress to raise the rate as has been suggested. It should remain at \$5 a barrel, which, as I have said, will bring in \$150,000,000 per annum.

Mr. FREAR. That amount is for the first year.

Mr. TREADWAY. Yes; and the advocates of the resumption of the manufacture of beer inform us that the amount will increase as the taste of the people again is cultivated for good beer.

Mr. WEIDEMAN. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. WEIDEMAN. As a matter of fact, the resources of the Government will be increased, for instead of going to Canada to get a glass of beer, they can get it right here.

Mr. TREADWAY. I think it would save boat fare across the river from Detroit for some patrons. [Laughter.]

At a thousand-dollar tax on a brewery, the testimony before our committee was that we will receive in the neighborhood of \$200,000 the first year. In other words, there will be at least 200 breweries at \$1,000 apiece. Therefore, the President's recommendation that the revenue is obtainable certainly is in itself convincing, and I believe that we should adopt the recommendation of the President by the passage of this bill.

Mr. McFARLANE. Will the gentleman yield again?

Mr. TREADWAY. I yield.

Mr. McFARLANE. Would the gentleman be in favor of increasing the inheritance-tax rate to that comparable with France and England?

Mr. TREADWAY. Oh, the question of the income, inheritance, and various other taxes has been so extensively threshed out on the floor and before the Ways and Means Committee; let them rest for the time being and pass the beer bill. [Applause.]

Mr. Speaker, I yield back the remainder of the time allotted to the Republican side.

Mr. CULLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, as chairman of the subcommittee of the Democratic members of the Committee on Ways and Means, which drafted the bill, based upon the Cullen bill, I want to convey to the Membership of the House the fact that the main purpose of the Committee on Ways and Means was to keep this bill strictly a revenue measure and to take the Federal Government out of the control and regulation of the sale and distribution of any beverage containing 3.2 percent or less. The bill that we are voting on leaves to the several States the power to regulate and control beer, porter, ale, and such other drinks as may be provided for therein.

There were two provisions in the bill that the subcommittee considered yesterday which carried the jurisdiction of the Federal Government into several States. Those provisions were stricken from the bill. So we have a clear-cut bill presented to the House which, when it passes and passes the Senate and becomes a law, leaves to every State in the Union absolute jurisdiction over the matter of beer containing not over 3.2 percent of alcoholic content.

The tax phase of this bill is of great importance. The present Democratic administration has inherited a deficit of over \$5,000,000,000 from the last Republican administration. When I sit here and see Members of the Republican Party urge the defeat of this bill, with knowledge on their

part that the Democratic administration is inheriting a deficit of over \$5,000,000,000 from the Republican administration of the past 4 years, I wonder how they can refrain from helping the present Democratic administration to balance the Budget by voting for this bill, so essential to business recovery as a result of the huge deficits inherited.

The gentleman from Oklahoma [Mr. ROGERS] has expressed great concern about the boys and girls in his State. I thoroughly agree with him. Every Member of this House entertains the same thought that he does, and one of the reasons I am voting for this bill is because it is going to help remove the condition that he has in mind and about which he is so concerned.

Reference has been made previously during the debate to the fact that provision is not made in this bill for the immediate manufacture, sale, and distribution of the beverage provided in the bill in the District of Columbia. The reason for this is very simple. It is not the purpose of this bill to provide for anything other than the raising of revenue and the indirect amending of the Volstead Act to permit the several States and Territories to manufacture, distribute, and sell a beverage containing not more than 3.2 percent of alcohol. It is the purpose of this bill to leave to the several States and to the Territories the power to pass enabling legislation relative to their own jurisdiction. By adopting this method we are taking the Federal Government completely out of this field and divesting the jurisdiction of the Federal Government to that extent. While it is true that the Congress of the United States passes all legislation relating to the District of Columbia, nevertheless we do so in the capacity of legislators of the District of Columbia. The usual procedure of a bill being introduced and referred to the Committee on the District of Columbia will be taken. It would be improper for the Committee on Ways and Means to undertake to report out in this bill a provision relating to the manufacture, distribution, and sale of a beverage containing 3.2 percent of alcohol in the District of Columbia. Such enabling legislation after this bill becomes a law will be passed. To incorporate any such provisions in the present bill would interfere with its passage. So far as I am concerned, I shall do everything in my power to see to it that such legislation is enacted as quickly as possible after the pending bill becomes law.

It is unnecessary to refer in detail to the many arguments which could be advanced in support of this bill, as speakers who have preceded me have ably presented such arguments. The real influence which brought about the state of mind which existed in the closing days of the last Congress, and which still exists today, on the prohibition question is the voice of public opinion. Many Members have changed and will change their votes on this question, due to the fact that the people in their districts have changed their views with reference to the prohibition question. In the final analysis, public opinion is the influence which will bring about the passage of this bill.

One of the most serious problems confronting the American people today is the intensive and extensive use of machinery in business, with its accompanying displacement of human labor. This is a problem which I have referred to on previous occasions, and which is more acute today than it has been in the past. Of the 12,000,000 unemployed, it is safe to say that at least 3,000,000 are unemployed as a result of the extensive use of machinery in business during the past 10 years. In the abnormal days preceding the collapse of the stock market in October, 1929, the abuses arising from the machine era were not recognized. The abnormal business activities of the 7 years preceding the present depression were such as to reabsorb into business men and women who would ordinarily be displaced as a result of the machinery problem. The present depression has clearly evidenced to us that while machinery has brought about many benefits to mankind, it has brought an evil which we must recognize and control in some way. Displaced labor must be reabsorbed into industry or taken care of in some way, thereby not becoming a burden upon society. Unless employment is assured

them, where their numbers are constantly increasing, discontent and dissatisfaction are created, with other harmful conditions following. The creation of a new industry or a new business is the best way to reabsorb labor displaced by the use of machinery. The reestablishment of the basic industry provided for in this bill will constitute in a sense a new legal industry, capable of reabsorbing directly or indirectly at least 500,000 of our displaced workers into a legitimate enterprise. From this angle alone the passage of this bill is of extreme importance.

As the debate is now to close, I hope that when the vote is recorded it will show an overwhelming victory for liberalism on this question, and that three quarters of the States of the Union will as quickly as possible ratify the repeal of the eighteenth amendment, thereby leaving behind forever the dark days of fanatical prohibition. We have had 13 years' experience with prohibition. We may rest content that the future generations of Americans will never want to undergo a similar experience. While this generation has suffered from prohibition, it has been an experience which will be useful and of service to future generations of Americans. We at least have the satisfaction of having undergone the so-called "noble experiment," and the probability of its return in any form in this or any future generation is very remote. We have again returned to the journey of true temperance, the influences of religion and of the higher things of life exerting themselves upon the mind of the individual and the voluntary and permanent response of the mind of the individual thereto, with the individual's exercise of his or her will power. [Applause.]

SWEARING IN OF JOHN T. BUCKBEE, A REPRESENTATIVE FROM ILLINOIS

The SPEAKER. The Chair desires to inform the House that by reason of the authority conferred upon him by House Resolution 40 he did on this day administer the oath of office to the Hon. JOHN T. BUCKBEE at Providence Hospital, District of Columbia.

Mr. BRITTEN. Mr. Speaker, I offer the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 46

Whereas JOHN B. BUCKBEE, a Representative for the State of Illinois, has been unable from sickness to appear in person to be sworn as a Member of this House but has sworn to and subscribed the oath of office before the Speaker, authorized by resolution of this House to administer the oath, and that said oath of office has been presented in his behalf to the House, and there being no contest or question as to his election: Therefore

Resolved, That said oath be accepted and received by the House as the oath of office of the said JOHN T. BUCKBEE as a Member of this House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE BEER BILL

The SPEAKER. All time has expired on the bill (H.R. 3341) to provide revenue by the taxation of certain nonintoxicating liquor, and for other purposes. Under the unanimous-consent agreement entered into, the previous question is ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. CULLEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 316, nays 97, not voting 17, as follows:

[Roll No. 5]
YEAS—316

Adair	Andrews, N.Y.	Auf der Heide	Bacon
Adams	Arens	Ayers, Mont.	Bailey
Andrew, Mass.	Arnold	Bacharach	Bakewell

Beam	Doutrich	Kleberg	Ransley
Beck	Drewry	Kloeb	Relly
Belter	Duffey	Kniffin	Richards
Berlin	Duncan, Mo.	Knutson	Richardson
Biermann	Dunn	Kociakowski	Robertson
Black	Durgan, Ind.	Kopplemann	Robinson
Blanchard	Eagle	Kvale	Rogers, Mass.
Bloom	Eaton	Lamneck	Romjue
Boehne	Edmonds	Lanzetta	Rudd
Boileau	Elcher	Larrabee	Ruffin
Boland	Englebright	Lea, Calif.	Sabath
Bolton	Faddis	Lee, Mo.	Sadowski
Boylan	Farley	Lehlbach	Schuetz
Brennan	Fernandez	Lehr	Schulte
Britten	Fiesinger	Lemke	Scrugham
Brooks	Fish	Lesinski	Seger
Brown, Ky.	Fitzgibbons	Lewis, Colo.	Shallenberger
Brown, Mich.	Fitzpatrick	Lewis, Md.	Shannon
Brumm	Fletcher	Lindsay	Shoemaker
Brunner	Ford	Lloyd	Simpson
Buchanan	Foss	Lozier	Stovich
Buck	Foulkes	Lundeen	Sisson
Bulwinkle	Frear	McCormack	Smith, Va.
Burch	Fuller	McDuffie	Smith, Wash.
Burke, Calif.	Fulmer	McGrath	Smith, W.Va.
Burnham	Gambrill	McKeown	Snyder
Byrns	Gavagan	McLean	Somers, N.Y.
Cady	Gibson	McLeod	Spence
Caldwell	Gifford	McMillan	Steagall
Cannon, Mo.	Gillespie	McReynolds	Stokes
Cannon, Wis.	Gillette	McSwain	Stubbs
Carden	Goodwin	Major	Studley
Carley	Goss	Maloney, Conn.	Sullivan
Carpenter, Nebr.	Granfield	Maloney, La.	Sutphin
Carter, Calif.	Gray	Mansfield	Sweeney
Carter, Wyo.	Green	Marland	Terrell
Cary	Griffin	Martin, Colo.	Thom
Cavichia	Griswold	Martin, Mass.	Thomason, Tex.
Celler	Haines	Martin, Oreg.	Thompson, Ill.
Chapman	Hamilton	May	Tinkham
Chavez	Hancock, N.Y.	Mead	Traeger
Church	Hancock, N.C.	Meeks	Treadway
Claborne	Harlan	Merritt	Truax
Cochran, Mo.	Hart	Millard	Turner
Coffin	Harter	Mulligan	Turpin
Colden	Hartley	Mitchell	Umstead
Cole	Healey	Monaghan	Underwood
Colmer	Henney	Montet	Utterback
Condon	Hess	Moran	Vinson, Ga.
Connery	Higgins	Mott	Vinson, Ky.
Connolly	Hildebrandt	Moynihan	Waldron
Corning	Hill, Ala.	Muldowney	Wallgren
Crosby	Hill, Knute	Murdock	Walter
Cross	Hill, Sam B.	Musselwhite	Warren
Crosser	Hoeppel	Nesbit	Watson
Crowe	Holdale	Norton	Wearin
Crump	Hollister	O'Brien	Weideman
Cullen	Holmes	O'Connell	Welch
Darden	Howard	O'Connor	Werner
Darrow	Hughes	O'Malley	West
Dear	Imhoff	Oliver, N.Y.	White
Delaney	Jacobsen	Palmisano	Whitley
De Priest	James	Parker, Ga.	Wigglesworth
De Rouen	Jeffers	Parker, N.Y.	Wilcox
Dickinson	Jenckes	Parsons	Willford
Dickstein	Johnson, Minn.	Perkins	Williams
Dies	Johnson, W.Va.	Peterson	Withrow
Dingell	Kahn	Pettengill	Wolcott
Dirksen	Kee	Peyser	Wolfenden
Disney	Keller	Pierce	Wolverton
Ditter	Kelly, Ill.	Polk	Wood, Mo.
Dobbins	Kemp	Pou	Woodruff
Dockweiler	Kennedy, Md.	Powers	Woodrum
Dondero	Kennedy, N.Y.	Prall	Young
Doughton	Kenney	Ramsay	Zioncheck
Douglass	Kerr	Randolph	The Speaker

NAYS—97

Allen	Deen	Lambertson	Rogers, Okla.
Allgood	Dowell	Lambeth	Sanders
Ayres, Kans.	Doxey	Lanham	Sandlin
Bankhead	Driver	Luce	Secret
Beedy	Ellzey, Miss.	Ludlow	Sinclair
Bland	Eltse, Calif.	McCarthy	Snell
Blanton	Evans	McClintic	Stalker
Briggs	Flannagan	McFadden	Strong, Pa.
Browning	Focht	McFarlane	Strong, Tex.
Busby	Gilchrist	McGugin	Sumners, Tex.
Carpenter, Kans.	Glover	Mapes	Swank
Castellow	Goldsbrough	Marshall	Swick
Chase	Greenwood	Miller	Taber
Christianson	Guyer	Morehead	Tarver
Clark, N.C.	Hastings	Oliver, Ala.	Taylor, S.C.
Cochran, Pa.	Hooper	Owen	Taylor, Tenn.
Collins, Calif.	Hope	Parks	Thurston
Collins, Miss.	Huddleston	Patman	Tobey
Cooper, Ohio	Jenkins	Ragon	Weaver
Cooper, Tenn.	Johnson, Okla.	Ramspeck	Whittington
Cox	Johnson, Tex.	Rankin	Wilson
Cravens	Jones	Rayburn	Wood, Ga.
Crowther	Kelly, Pa.	Reece	
Culkin	Kinzer	Reed, N.Y.	
Cummings	Kurtz	Rich	

NOT VOTING—17

Abernethy	Clarke, N.Y.	Peavey	Taylor, Colo.
Almon	Gasque	Reld, Ill.	Wadsworth
Buckbee	Gregory	Rogers, N.H.	
Burke, Nebr.	Kramer	Schaefer	
Cartwright	Montague	Sears	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. RAINEY, and he answered "yea."

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rogers of New Hampshire (for) with Mr. Cartwright (against).
Mr. Wadsworth (for) with Mr. Reld of Illinois (against).

General pairs:

Mr. Abernethy with Mr. Peavey.
Mr. Almon with Mr. Buckbee.
Mr. Gregory with Mr. Clarke of New York.

Mr. BYRNS. Mr. Speaker, the following Members are unavoidably absent, either on account of illness or important business. If present, they would vote "aye";

Messrs. MONTAGUE, SCHAEFER, TAYLOR of Colorado, SEARS, BURKE of Nebraska, and KRAMER.

Mr. McMILLAN. Mr. Speaker, I wish to announce the absence of my colleague, Mr. GASQUE, on account of illness. If present, he would vote "aye."

Mr. BECK. Mr. Speaker, our colleague the gentleman from New York, Mr. WADSWORTH, is unavoidably absent, and, to his very great regret, unable to be present today, but I am authorized to say that if present, he would vote "aye."

Mr. ENGLEBRIGHT. Mr. Speaker, the gentleman from Illinois, Mr. BUCKBEE, is absent on account of being confined in a hospital. If he had been present, I am informed that he would have voted "aye."

Mr. MCCORMACK. Mr. Speaker, the gentleman from New Hampshire, Mr. ROGERS, is unavoidably absent. If present, he would vote "aye."

The result of the vote was announced as above recorded.

On motion by Mr. CULLEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. CULLEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to extend their own remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'MALLEY. Mr. Speaker, I am more than happy to be able to stand upon the floor of this House today to favor the passage of the beer measure which is now before us. For more than 6 years I have campaigned in my district for the legalization of good beer as a measure which would not only restore the morality of the people of my own State but of the United States, and as a measure which would hasten the return of prosperity and employment in these United States. The record of my humble political activity, should any Member of this House desire to inspect it, will show that in the campaign of 1928 I was the only candidate for Congress in the State of Wisconsin on any party ticket who favored the outright repeal of the eighteenth amendment. Again in 1930, when I was again a candidate for Congress in the Fifth District of Wisconsin, I likewise followed this consistent course of campaigning upon the single platform of a return to sanity through the repeal of the eighteenth amendment and the abolition of the infamous and fanatical Volstead law. I have been accused of having a 1-track mind because of my persistency upon this issue, and that may be true; but that one track which I have followed has been based upon the belief that you cannot legislate successfully in the matter of harmless personal habits for the American people, and that you cannot make people good by law.

Everything that could be said about beer has been said by men in this House far abler than myself. I have had little time in which to inspect the provisions of this bill, but I feel that the alcoholic content which it specifies will be suffi-

cient to enable the brewmasters of my own city of Milwaukee, skilled for generations in their art, to give again legally to the people of the United States a palatable, healthful, harmless, and enjoyable beverage.

This is the first step toward the destruction of the reign of terror fastened upon the American people by the prohibition law. The passage of this measure is the first step in this speedily moving drama of the restoration of personal liberty. It is likewise the first official act of this extraordinary session of Congress toward the relief of unemployment and the relief of agriculture. Never before was a great industry upon which so many people depended, from farmers to laborers, wiped out with such ruthless and hasty action as brought about the ill-fated and unfortunate passage of the eighteenth amendment over the presidential veto of that great Democrat, Woodrow Wilson.

It is useless for any lady or gentleman in this House to parade across this floor in my view the bogey-man of the saloon. I have said that, as a younger Member of this House, I was not at an age before prohibition wherein experience with the saloon came very definitely to my attention. I wish to repeat, however, that no matter what the saloon was—and I know little about it—it is far preferable to the brothels, speakeasies, bootleggers, racketeers, drug-store gin palaces, beer flats, and hidden dens of crime and iniquity brought upon not only my own city but all the big cities of the country through the advent of prohibition.

I feel that I can speak for a younger generation today upon this important measure, a generation that with a knowledge of the mistakes of its elders is ready and determined to wipe out the evils which the iniquitous and fanatical prohibition enactment has fastened upon us. The people of the United States and of my district are anxiously watching this Congress in the hope of an era of prosperity. I am happy, indeed, to be able to support this measure introduced here today. To date, this House in a hectic extraordinary session of the Seventy-third Congress has adopted two measures, neither of which, to my mind, bears any relation to their greatest problem of all, that of unemployment. This measure you are asked to pass upon today will relieve unemployment, relieve it in my district and throughout the State and the Nation in a satisfactory and truly American way—of restoration of liberty to a liberty-loving people. I believe I can safely estimate that thousands of good, stable, honest, and reliable citizens of my city of Milwaukee will be restored to gainful employment through the passage of this bill. It will bring revenue into the Federal Treasury which now is being diverted to the ends of crime, and it will carry out the one and only section of the Democratic platform in the campaign of 1932 which uses the word "immediate" in its call for action to the majority of this House pledged to the new deal and the relief of misery and suffering borne so heroically today upon the heavily laden shoulders of the forgotten men and women whom our President championed so nobly. Let me conclude with this plea: That today we give our unanimous, immediate approval to the legalization of good beer, worrying not about technical questions such as alcoholic content, and so forth, but leaving that always, as it should be left, to those who know more about what good beer really is than we do.

When I cast my vote in favor of this measure I cast it with the fullest knowledge that it is a vote which restores to my district life, liberty, and the pursuit of happiness, while restoring employment and prosperity, not only to my city and my State but throughout the Nation.

Mr. LESINSKI. Mr. Speaker, ladies and gentlemen of the House, being a new Member of this body, I appreciate the courtesy which has been extended to me in permitting me to say a few words in favor of the pending legislation to legalize the manufacture and sale of beer.

A few moments ago my colleague from Kansas made the statement that if the sale of beer was legalized that it would mean the immediate return of the saloon, and that all chances of seeing the repeal of the eighteenth amendment ratified by the several States would be killed.

I should like to call to his attention the fact that I come from a section of the country that is made up of some of the largest manufacturing establishments in the world, including the Ford Motor Co. Before the advent of prohibition we had saloons where the laboring man could go and get his glass of beer for a nickel. Since prohibition these saloons have gone entirely out of business, and for each saloon a dozen blind pigs have sprung up; and instead of selling a pure glass of beer they now sell everything and anything manufactured in basements, alleys, and goodness knows where.

The people who formerly enjoyed their glass of beer are now drinking the poorest of bootleg drinks, and they are paying five times what it cost them in former years. No; my friends, the saloon is not going to return; it has never left us. We are going to pull it out in the open and place a sign on it; we are going to get it out of the attic and the cellar and give it a little sunlight, so that those who do desire a refreshing beverage may make use of it, knowing that the beer that they purchase will be manufactured under sanitary conditions at least.

My colleague also stated that there was not a man on the floor of this House who had been elected on the liquor question, and that President Roosevelt would have been elected had he run on a platform advocating the repeal of the laws of gravitation. I would call to my colleague's attention the fact that one of the main planks in my platform was the repeal of the eighteenth amendment and the modification of the Volstead Act, and I would consider myself a traitor to my constituents if I did not lend my whole-hearted support to this measure.

Mr. WEIDEMAN. Mr. Speaker, it is with pleasure that I vote affirmatively in compliance with the request of President Roosevelt in favor of this so-called beer bill. In casting my vote in favor of this bill I sincerely believe it means a new era of law enforcement and prosperity throughout our country, and particularly in my native city of Detroit, situated just across the Detroit River from Canada, which has been selling beer legally and profitably not only to their people but to Americans for many years.

The legal sale of beer will keep millions of dollars annually in Detroit and in the United States which heretofore has been spent in Canada. It will mean an end of debauchery of school children and young men and women in my city who have been victims of the lures of dives and speak-easies for years. In many instances their morals have been ruined, their health jeopardized, and their respect for law lessened by the unspeakable conditions that arise when beer and liquor are sold illicitly and in places not recognized by law or society.

STATE RIGHTS PROTECTED

Those States not desiring the sale of beer are not bound by this act to legalize the sale of beer; the right of the States to legislate for themselves is again restored to the individual States.

The bringing of the sale of beer out in the open will tend to instill into the minds and hearts of the people a respect for all laws. The general disobedience of the prohibition laws has brought about a more or less general disrespect for all laws. By the passage of the beer bill the Government of the United States will reaffirm its confidence in the people and their right to regulate its manner of living and tend to develop a more wholesome respect for all law.

So it is with great pleasure that I join our President in reaching toward one of the milestones which I believe will return this country to a balanced Budget, better law enforcement, better morals, and more respect for all laws.

Mr. DEEN. Mr. Speaker, although I realize this bill will pass by an overwhelmingly large vote, I cannot vote for it, and wish to make clear my reasons.

When the President of the United States sent us his first special message regarding the banking situation, and the banking bill, along with his message, was under consideration, I voted for the bill. In fact, there was not a dissenting vote on either side of the House. Again, when he sent us

another special message relative to his economy bill, I supported the President, and gladly did so.

There are several reasons why I cannot vote for this beer bill. The first one is that I can not see how a poverty-stricken Nation can drink itself to prosperity or how we can forget that millions are crying for bread instead of beer. Again, the proponents of beer several months ago predicted and believed, so they say, that the revenue obtained from the sale of beer would be around a half billion dollars annually. Later they said it will probably be around a quarter of a billion, and now the conservative prediction by the leaders is that the sale of beer will bring into the Treasury only around \$150,000,000 to \$200,000,000.

I think passage of this bill is entirely premature. The Seventy-second Congress voted to submit the repeal of the eighteenth amendment to the States by conventions, and it is my conviction that the people ought to have an opportunity to express themselves before we pass any beer bill that modifies the Volstead Act and thereby destroys that part of the Constitution.

The final reason why I cannot and will not vote for this bill is based on my platform on which I was elected. I pledged to the people of my district, in writing, that I would be willing to submit the eighteenth amendment before casting a vote to repeal or modify the Volstead Act. Since the last Congress submitted the eighteenth amendment, the people of my district and State will have an opportunity to register their wishes on this question of repeal.

If the necessary majority of the States ratify the twenty-first amendment, repealing the eighteenth amendment, then will be time enough to modify the Volstead Act. It is my conviction that this 3.2 percent beer is intoxicating; and, until the eighteenth amendment is repealed, it is still a part of the Constitution. If the passage of this bill insures intoxication, it will only add to the greater disrespect for the Constitution and the laws of the country.

Mr. ZIONCHECK. Mr. Speaker, I am voting "yes" on this so-called "beer bill", although I do not share the optimism of many of my colleagues concerning the amount of revenue which will pour into the governmental coffers by reason of its enactment. I am reasonably certain that it is an illusion that beer will in any manner alleviate the depression or create employment to any appreciable extent. I am aware that large income-tax payers are favorable to the passage of this measure in a hope to thereby transfer onto the backs of the thirsty poor a large share of their tax burden. Nevertheless, I vote as I do for the following reasons:

First. Campaign promise to vote for the immediate modification of the Volstead Act to legalize light wines and beer.

Second. Mandate of the voters of the State of Washington on the 8th day of November 1932, when they wiped clean from our statute books every prohibition law by 2 to 1 upon an initiative measure for this purpose known as "Initiative Measure No. 61."

Third. Personal opposition to sumptuary legislation as a matter of principle.

Fourth. To some extent at least to do away with crime, racketeering, and lawlessness.

Fifth. Wholesome hatred of professional drys and prohibition agents.

Sixth. To eliminate what I believe to be the popular illusion that beer will bring back prosperity, and thus to some degree direct attention to the fundamental causes of the depression that the problem be recognized before it is too late to solve it in a peaceful, orderly, American manner.

Allow me to state that if opportunity is given this body—which I feel certain it will not—to vote as to the "mode and manner", I would cast my vote for governmental manufacture, sale, and distribution so that not one cent of private profit would be derived therefrom, for then, and only then, would many of the so-called "inherent abuses" be brought within relatively rational control. It is my humble guess, however, that we shall soon have Anheuser-Busch, Pilsner, Blue Ribbon, and what-not hours on the radio.

It is my hope now that the question of beer has been disposed of that we immediately proceed to the same solution of the pressing emergencies which confront the unemployed as well as the debt-ridden farmers, who are being ground in a ruthless and unmerciful manner into veritable paupers.

These problems present the real emergencies, the solution of which is not a matter of choice—it is a matter of necessity.

Mr. SADOWSKI. Mr. Speaker, I have had the pleasure of voting with the President on two of his measures, and now I have the supreme satisfaction of voting for the third—the beer bill.

This bill means work; it means jobs for the unemployed in my district. It will give employment to a large number of men.

I was somewhat amused at the colloquy between the gentleman from St. Louis and the gentleman from Milwaukee as to the quality of their beer. I desire to say that Detroit has just as good beer as theirs, and we are ready to go. We want this bill put through. It does not mean employment for men in my district alone, but all over the country. I am interested in this bill particularly, because it is the first step to provide employment to a portion of those 11,000,000 men who are out of work. Mr. Woll, the labor committee representative for the modification of the eighteenth amendment, has estimated that this legislation will put to work at least 1,000,000 men and women in the brewing and associated industries.

This beer bill will not only be a benefit to my district or any particular district, but it will be of benefit to every part of the Nation. This bill is not only a bill to create employment, but it is also a revenue-raising measure. It will bring in at least \$200,000,000 annually in revenue to the United States Treasury.

In addition to creating employment and raising revenue, this bill will create a better social and moral condition in the Nation. It will eliminate the law violator—the thug and the racketeer—who is today engaged in the beer business, and place it back into responsible legitimate hands under Government supervision and control.

In my district we have nine large breweries, namely: The Zynda Brewing Co., the Pfeiffer Brewing Co., the Wayne Products Co., the Auto City Brewing Co., the Schmidt Brewery, the Union Brewery, Stroh's Brewery, C. & K. Products Co., and Creamer Malt Brewery that are ready for business and ready to employ the idle men in my district. This, in my opinion, will be the second largest industry, superseded only by the automobile industry. My district, being made up entirely of factory workers, was hit harder than any other district in Michigan during this depression, and I can frankly state that no district in the United States received the President's message recommending the passage of this bill for the immediate modification of the Volstead Act in order to legalize the manufacture and sale of beer with greater joy, than people of my district, the First Congressional District of Michigan. They are today satisfied that the confidence reposed in our President, Franklin D. Roosevelt, when they gave him a 32,000 majority, was well placed, and they are grateful to him for the fearless and vigorous leadership that he has shown in breaking this depression.

Personally, I am proud and pleased to have the opportunity to come up here today and vote to carry out one of the campaign pledges of the Democratic Party to the people of the United States of America.

Mr. ADAMS. Mr. Speaker and Members of the House, I desire to state why I am going to vote for the passage of the beer bill. In the campaign just passed, in which all of the Members of this branch of Congress were elected, the Democratic Party in its platform advocated the repeal of the eighteenth amendment to the Constitution and favored the immediate modification of the Volstead Act to legalize the manufacture and sale of beer and other beverages of such alcoholic content as is permissible under the Constitution and to derive therefrom a proper and needed revenue.

I was nominated by the Democratic Party of the State of Delaware as its candidate for the office of Representative in

Congress. The convention at which I was nominated adopted the national party's platform. I accepted the nomination and publicly announced that I stood 100 percent—a popular phrase—upon that platform. I appealed for votes upon an expressed promise to carry out so far as I could my party's platform pledges. I was elected; and I am happy indeed that our Chief Executive, who led his and my party to victory, looks upon a platform pledge as a solemn promise to or a covenant with the people not to be trifled with or made light of. He believes it should be carried out and performed, and that, at the earliest possible moment. The word "immediate" as used in that platform means to him just what the dictionary states it to mean, "not distant." Hence, on the ninth day of his administration he sent a short, clear, and concise message to this Congress which is a reminder to the Democratic Members of their party's platform pledge and a request to carry it out by proper legislation, by legalizing the manufacture and sale of beer and other beverages of such alcoholic content as is permissible under the Constitution, and to provide through such manufacture and sale, by substantial taxes, a proper and much-needed revenue for the Government. He further says that he deems action at this time to be of the highest importance. It is true he did not say what the alcoholic content should be. It is likewise true that he did not limit the legalization of the manufacture and sale to beer. Those matters he left to the Congress. This branch of the Congress has this morning had presented to it a bill which I have termed a "beer bill." It does, however, also include ale, porter, and other similar fermented liquor containing one half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight.

In deciding to vote for the passage of that bill, I feel that I am following the greatest leadership that has arisen in America since the administration of the great Wilson. I believe that Franklin Delano Roosevelt has in the last 10 days done more for this country than has any other Chief Executive since the World War in the whole period of his service. Our President has awakened a sleeping nation; he has put fresh hope in the hearts of his countrymen; he has started to build anew upon the wreck and ruin of the last Republican administration. I am going to vote him the ways and means. This bill, I believe, will raise a proper and much-needed revenue. And, too, I am not fearful of its being declared unconstitutional by the Supreme Court. It is, as its title states it to be, "A bill to provide revenue by the taxation of certain nonintoxicating liquor."

True, it permits and legalizes the manufacture and sale of beer containing 3.2 percent of alcohol by weight, and I will admit that for some time I pondered the meaning and full significance of those words contained in the Democratic Party platform and in the President's message, "as is permissible under the Constitution." I concluded that to be a question for and the function of the Supreme Court, and that a congressional determination of 3.2 percent of alcoholic content as nonintoxicating will be upheld by that Court should the question of what alcoholic content is permissible under the Constitution therein arise. If I am mistaken and do vote for this act which will hereafter be declared unconstitutional, I will not be the first or the last Member of Congress to make the mistake of having innocently voted for the passage of an unconstitutional measure, and I assure you it will have been a mistake of the head and not of the heart.

It has been mentioned by some here today that the passage of this bill will bring the saloons back. I am not doing that by my vote. This Congress is not doing that in passing this bill. Under the terms of this bill the manufacture and sale of this beverage is to be regulated by the respective States. It is for each State to say whether it shall permit the manufacture and sale of beer and to prescribe the manner in which it shall be dispensed. I vote today in the performance of my promise to help carry out my party's platform pledge and also in obedience to the wishes of the President. In doing so, I am not disregarding the oath I took on the opening day, when I swore to support and defend the Constitution of the United States * * * to bear full

faith and allegiance to the same * * * without any mental reservation or purpose of evasion. Never do I intend to violate that solemn obligation.

Mr. PEYSER. Mr. Speaker, for the third time within a period of 5 days we have been called upon by the President to support a measure intended to sweep away the clouds and open up the skies that the sun may shine again. The people of our country have been waiting for several years to smile again, and it is my honest and sincere belief that the action of this body, on the two previous measures suggested by our President, has contributed more in that direction than anything that has happened in the past few years.

We are face to face with another measure intended, primarily, to remove an evil that has been hovering over this country for over 13 years, namely, the prohibition measure. The principal part of this measure is now in the process of removal as machinery is being set up in various States to ratify a repeal measure passed in the last hours of the Seventy-second Congress.

The Democratic platform not only advocated the repeal of the eighteenth amendment, but also a modification of the Volstead Act which would permit the manufacture of non-intoxicating liquor, and the bill that is before us today comes under that classification. During my campaign I promised the voters of my district that I would not only support such a measure, but that I would use all of the power at my command to bring it to a vote at the earliest possible moment. This is indeed a happy day for me, to know that in the 5 days of the Seventy-third Congress we are privileged to vote on that measure. From the point of view of revenue I look upon it as one of the economic measures which will help to balance the Budget. Aside from the millions of dollars of revenue which I feel sure it will provide, it is my belief that its principal contribution to the best interests of the Nation is the mental attitude of the people when they know that in part, at least, their freedom has been returned to them. I feel sure—as some of my constituents that opposed this measure fear—that it will pass, beyond the question of a doubt; and I do not criticize their stand on this measure if it is an honest conviction in their mind that they should oppose it, but, in a like manner, I feel so sincere and so honest in the belief that this measure should pass that I want to add my few remarks in an endeavor to see that it is passed.

During my campaign, when I spoke for the repeal and the modification, I stated to my constituents that it was my belief that one of the first things to bring happiness and revenue to the country would be such a measure as we are now discussing, and, in that connection, I might add an expression that I used at that time, and that is, "Tax the thirsty and thereby help to feed the hungry." I thank you.

Mr. STRONG of Texas. Mr. Speaker, in entering upon the duties of Congressman, I stood in this Hall and took the solemn oath to uphold the Constitution and laws of the United States. I firmly believe it would be a violation of that oath, placing me on the roll as a perjurer, if I voted for the passage of this bill, for there is not the least doubt in my mind that the quantity of alcohol permitted in beer by this bill will cause such beer to be intoxicating, and therefore is a violation of the Constitution and laws of this Nation. This alone is sufficient reason for the defeat of this measure, but an investigation of the record and history of the liquor traffic in this country will establish many other reasons why this bill should be defeated, for the liquor traffic has been a menace to civilization and a violator of the Constitution and all laws of our Nation since the founding of this Government.

Soon after our Government was established there occurred what is known in history as the "Whisky Rebellion." History also states this is the first instance in which the authority of our Government was questioned. The cause of this uprising was the levying of a tax upon the distilling of intoxicating liquor. The distillers refused to pay this tax; and when Government officials undertook to collect same, some of these officials were murdered, while others were assaulted in a very unlawful manner. President Washington dealt

with this criminal uprising very promptly by sending 15,000 soldiers into the rebellious district, whereby the outlawry was promptly abated. Many of the perpetrators of these crimes were arrested and convicted for treason, while others fled from the country. History tells us that the promptness with which President Washington dealt with these outlaws thoroughly established the authority of Government, and from that day forward our laws were respected by all citizens.

I might pause here to compare the acts of President Washington concerning liquor outlaws to that of another national administration which came into power soon after the eighteenth amendment was adopted and the Volstead law enacted. I refer to President Harding's administration, which performed the unheard-of and unprecedented act of placing the enforcement of a general law in the hands of the Secretary of the Treasury, while it should have been the duty of the law department of this Government to enforce. I feel I am stating the truth when I say the administration of the Volstead law by the Secretary of the Treasury during President Harding's administration is largely responsible for all the outlawry in this Nation for the past 12 years. The Secretary of the Treasury was opposed to the eighteenth amendment and the Volstead law and practically said to the bootlegger, the speak-easy, and the illicit distiller of intoxicating liquor: "The United States of America is open unto you, deplete to the fullest extent." The wonder is there has been a semblance of enforcement of the Volstead law, for the violators of same were encouraged by the officers whose duty it was to uphold the law.

I am unwilling to admit the criminal element of this country is more powerful than the United States Government, but I do believe, with officers in power who recognize the solemnity of their oath of office wherein they swear to respect and obey the Constitution and laws of our country and enforce same, all laws, including the Volstead Act, would be properly enforced. I have faith in the people of this Nation to believe they will soon demand of their officers in power that the Constitution and all laws must be respected. No individual or organization has the right under the Constitution of our Nation to select the laws they will obey or the laws they will disregard. That would destroy the Government and cause anarchy to reign. Therefore, the only means through which our Government can properly function and render proper protection to life and property is the sincere, active, militant enforcement of all our laws; and, as I have said, I have faith that the people of this Nation are going to demand this. In this connection I will state if the wet organizations, the wet newspapers, and wet magazines will actively and sincerely aid in the enforcement of the Volstead law for 1 year, then if it is not enforced as well as any law upon the statute books, I will advocate the repeal of same and guarantee all prohibitionists of the Nation will stand by this agreement.

It is claimed the passage of this bill will cause the employment of several thousand laborers and produce revenue to aid in balancing the Budget. This claim is clearly visionary; and if this bill becomes a law, it will be a sad disappointment to the people concerning employment of labor and production of revenue. The administration will be woefully embarrassed, for the facts can be established that the passage of this bill will greatly add to the number of unemployed and the revenue derived therefrom will be so insignificant that it will have little effect upon balancing the Budget.

Since the adoption of the eighteenth amendment the dairy business and the manufacture of milk products have increased several hundred percent. The same can be said concerning the soft-drink business, the grocery business, and the drygoods business, besides many other institutions of industry which employ many thousands of people—more than have ever been employed in the manufacture of beer. The passage of this bill then, I say, will cause more people to become unemployed than it will furnish employment. These facts can be readily substantiated by the records in the Government departments in Washington. To illustrate, these records show during the year 1914, before the manu-

facture of beer had been restricted, there were 86 men employed to each \$1,000,000 invested in the brewery business, while in the manufacture of food and kindred products 228 men were employed to \$1,000,000 invested. Under the same investment 531 men were employed in the manufacture of textiles and their products; 247 men employed for iron, steel and their products; 483 men employed by lumber and its manufactures; 413 were employed for leather and its finished products; while for all other industries the average was 308 men employed for each \$1,000,000 invested. It can further be shown from the records mentioned that the brewery business consumed only about 2 percent of the grain crop produced in the United States annually. Therefore, I maintain that the destruction which would be caused to other industries by the enactment of this bill would eliminate the collection of much more revenue than the bill will produce.

As further substantiation of the facts, I quote from a paragraph in a statement issued by the master of the National Grange in which he says the grain required to produce the increased quantities of these dairy products amounts to 10,067,196,000 pounds. This is approximately three times as much grain as was used all told in the manufacture of fermented liquors in 1917. In addition to these figures given, 25,461,084,000 pounds of roughage were required to produce the increased dairy products consumed in 1929. In explanation of these figures it should be stated that 34 pounds of grain and 86 pounds of roughage are required to produce 100 pounds of milk. There has been a pronounced increase in recent years in the use of eggs and dairy products, in the manufacture of bread, cakes, pastries, and candy. If, because of the resumption of brewing beer, the per capita consumption of dairy and poultry products should drop to the level as in the days prior to the eighteenth amendment, agriculture would sustain a tremendous loss, and one which it could ill afford to bear. The grand master of the Grange further states that comparing the saloonless year of 1929 with the pre-Volstead year of 1917, the per capita consumption of dairy products alone increased 242.7 pounds.

Many pages of such truths herein set forth can be furnished, but time and space forbid at this time. The facts mentioned clearly show to any unprejudiced mind that this bill, if enacted into law, will increase the unemployed, while the amount of revenue produced will be trifling.

In connection herewith I will add, the warfare against the liquor traffic was won by the greatest weapon known to mankind—truth—and by this same weapon the eighteenth amendment and Volstead law will be retained. Of course, the enemies of the Constitution and laws of the Nation will win an occasional battle, but in the end the Constitution and laws will reign supreme in this great country of ours.

There are three institutions which must prevail and prosper if a government is to continue of the people, by the people, and for the people. These institutions are the home, the school, and the church, and I have never known the most enthusiastic advocate of the liquor traffic who would deny that that traffic does not stand in opposition to these three great institutions. We must bring people comfort, and prosperity to the home. If this bill becomes law, it will instead bring ruin, disaster, and starvation. We must instill in the youth of this Nation ability and patriotism. This bill will lead thousands to ruin, degradation, and shame. I am a firm believer in the doctrine of the separation of church and state, but earnestly desire more religion in politics. The church of the living God should not be hindered by the passage of laws by the Congress of the United States. The provisions of this bill will greatly interfere with the onward march of the church. Before the adoption of the eighteenth amendment there could be seen at the resorts in our coast cities and towns and many other places throughout the Nation thousands of young men and young women drinking beer and many becoming beastly intoxicated on the holy Sabbath day. This will again occur if this bill is enacted.

We will also sit in our homes, if this bill becomes a law, and hear over the radio all kinds of beer advertising pro-

mulgated by Pabst, Schlitz, Anheuser, Budweiser, and so forth, telling just how much you should drink each day; the hour to begin in the morning with these health-restoring (?) beverages; just how much to take before each meal; and the number of glasses before retiring. And instead of saying "not a cough in a carload", they will say "no heart disease from alcoholic contents." Since the adoption of the eighteenth amendment the malicious propaganda which has been imposed upon the people of the Nation in order to destroy our Constitution and laws will be tame as compared with the advertising with which the homes of this Nation will be afflicted should this bill be enacted.

No one will deny that a citizen or organization of citizens has the right to demand the repeal or the amendment of any law; but when laws are enacted, they should be respected and obeyed by all citizens. Therefore as long as the Volstead law remains upon the statutes of this Nation, each citizen who believes in the protection of the home, life, and property should use all efforts possible for the enforcement of same.

Mr. SMITH of Washington. Mr. Speaker, I cheerfully cast my vote for this bill to modify the Volstead Act and legalize the manufacture of 3.2 percent beer and other beverages and the sale thereof, under supervision and control of the several States, and prohibiting the transportation of such fermented liquors into a dry State.

The enactment of this bill into law will constitute the faithful and honorable fulfillment of the pledges of the platform of the Democratic Party adopted at Chicago:

We advocate the repeal of the eighteenth amendment.

Pending repeal, we favor immediate modification of the Volstead Act to legalize the manufacture and sale of beer and other beverages of such alcoholic content as is permissible under the Constitution and to provide therefrom a proper and needed revenue.

We urge the enactment of such measures by the several States as will actually promote temperance, effectively prevent the return of the saloon and bring the liquor traffic into the open under complete supervision and control by the States.

We demand that the Federal Government effectively exercise its power to enable the States to protect themselves against importation of intoxicating liquors in violation of their laws.

To the argument that the passage of this bill will mean the return of the saloon, I answer that it will not unless the people of your State desire it to have that effect. If they do not want the saloon, they can exclude it; and if they wish to wholly prohibit the sale of beer, they can do that, also. It will be the province of the people of your State to decide for themselves what kind of regulatory liquor laws they desire.

Repeal of the eighteenth amendment and modification of the Volstead Act to regulate the manufacture and sale of beer were one of the important issues in the campaign, which resulted in my election to this body by an overwhelming majority over a veteran Republican Member, who had served here with distinction for the past 20 years, and always voted in favor of prohibition, and I told the people of the third Washington district that, if elected, I would cast the kind of vote that I am about to do on this roll call.

Ladies and gentlemen of the House, my State, Washington, was the first State in the Union to pass a bone-dry law, and on November 8 last the electors of Washington by a vote of 341,450 to 208,211 repealed that bone-dry law and all other prohibition enforcement laws in our State, and in the nine counties in my district the vote was 44,408 to 31,083 for repeal, clearly indicating the great change in public sentiment in my State and district on this momentous moral and economic issue.

My friends, my experiences as a practicing lawyer and public official have convinced me that the eighteenth amendment and the Volstead Act have utterly failed, cannot be enforced, are a source of enormous expense to the taxpayers and a loss of revenue to the Government, have caused unemployment, decreased the domestic market for the products of the farm, the forest, and the mine, are responsible for more drinking among young people and adults, and have brought about a reign of lawlessness, crime, and corruption in this country.

Mr. Speaker and Members of the House, I shall, therefore, vote "aye" in response to the mandate of the good people of southwestern Washington, who have elected me to this high office, and because I am by that token also expressing my own personal convictions in regard to the subject matter of this bill.

Mr. RANKIN. Mr. Speaker, it is not my purpose to quarrel with anyone who differs from me on the great moral issues involved in this bill to legalize the manufacture and sale of beer. I cannot vote for it. If the Constitution means anything, then the bill is unconstitutional. If this beer is not intoxicating, nobody wants it. If it is intoxicating, then its manufacture or sale would be in violation of the eighteenth amendment.

Men talk about "settling" this question. This issue will probably never be settled. It has been a subject of controversy since the feast of Belshazzar, and it will be one long after you and I have passed away.

If this bill becomes a law and then three fourths of the States ratify the resolution to repeal the eighteenth amendment, we will have the return of the saloon, with all its attendant evils, magnified and multiplied by the rapid changes in our transportation system, which would virtually place at the mercy of the liquor traffic the people of every community in the United States. Those evils would also be intensified by the great influx of irresponsible aliens with which our country has been flooded for the last 15 years, as well as by the evil tendencies of the times.

Men tell you that the people have changed and that the last election indicated that they wanted a return to the old system that was discarded more than 10 years ago, when America entered upon a new experiment in the advancing civilization of mankind. When she turned, as it were, from the dead past to the living future, caught the step, and took the lead in the onward march of modern progress.

Because the people at the polls last year repudiated an old and worn-out political regime which had permitted our country to be dominated to her own detriment by the greedy and irresponsible moneychangers of the earth, men misunderstood the verdict of that election and read in it a demand for beer, instead of a plea for bread. They seem to see in it a mandate for the legalization of the liquor traffic, instead of a mandate for a "new deal" in the conduct of our economic, political, and financial affairs.

I realize that I am hopelessly in the minority in this House when it comes to voting on this all-important subject, but my attitude represents the wishes and convictions of approximately 10,000,000 dry Democratic voters who supported the ticket, not because of the wet plank, but in spite of it. I am not willing to see them driven from the party which their fathers founded and which they have maintained and supported during all the years of its struggle for existence.

The wets have been clamoring for State rights, as if the liquor traffic ever respected State rights, or any other rights. It has come down the ages hand in hand with every vice and in collusion with every crime. It has paused at no Rubicon, it has halted at no Delaware. It has invaded every territory; it has covered every land, undermined the manhood, and wrecked the homes of people of every clime.

The passage of this bill and the ratification by the States of the resolution to repeal the eighteenth amendment would not mean the return of State control of liquor, as some misguided individuals seem to think. It would mean liquor control of the States. The bootlegger of today would be the bartender of tomorrow. The racketeer of today, who now does his mischief under cover, would become the "ward boss" or the "city boss", or possibly the "State boss", and maybe the "national boss", under the new regime of beer and booze. Their "shanghai" methods of punishing competitors in their present world of crime might then be used to destroy God-fearing, law-abiding Christian men and women who refuse to bow to their impious wills.

It would mean the wiping out of the moral progress of a hundred years, and would greatly intensify the suffering and

distress through which our people are now passing, without giving any of the relief its proponents claim.

As Members of the House know, I do not pose as a religious leader. I am a member of the church and believe in it, and so far as I know, I am in good standing. I am just one of the millions in the rank and file in what I conceive to be a constant battle for the moral betterment of mankind. I am not a preacher or the son of a preacher, but I remember we are told in Holy Writ that when the Savior cried out from the cross in all the agony of his distressed soul and tortured body, his enemies administered bitter applications of vinegar to his lips.

In this hour of distress, when our people are suffering as they have never suffered before; when bread lines are stretching down the streets of our cities; when farmers are losing the meager savings of a lifetime, seeing their homes swept away for debts or confiscated for taxes; when men and women and children of the best families of America are forced to beg their bread from door to door; when a crimson wave of suicide is sweeping over the land; when mothers are killing their children to keep from seeing them starve and then are committing suicide across their dead bodies—when all these suffering elements of humanity are appealing to me as a Congressman to assist them in obtaining relief from these horrible conditions, I refuse to join the mob and help to crucify the moral forces of my country upon a keg of beer or commend this poison chalice to the lips of their children.

Mr. BOLAND. Mr. Speaker, ladies and gentlemen of the House, I wish to state that I am heartily in favor of Congress passing this legislation that is contained in this bill (H.R. 3341), which legalizes the manufacture and sale of beer with the alcoholic content of 3.2 by weight. I am no expert upon the alcoholic content of this beer—as to whether it is intoxicating or nonintoxicating. I have talked to many doctors in my district who are very pronounced in their statements that beer up to 4 percent is not intoxicating, particularly to those who work in the mines, the mills, and the factories.

Dr. Warren Coleman, of New York City, who represented the New York Academy of Medicine—and I consider him an authority upon this subject—stated and proved to my satisfaction that beer is more a food and a benefit to the human system than a detriment. Dr. Coleman stated:

It is a food value. It is valuable in health; it is even more valuable in disease.

He also stated that there is much less danger in using a bottle of beer or a bottle of ale at bedtime than there is in taking one of the many acid preparations.

There is no question about the benefit that beer is to men who work in laborious positions, such as stokers in ocean liners, miners in deep mines, or people who work in high temperatures. They sweat very heavily. The sweat is heavily charged with salts of various kinds. This matter has been investigated scientifically in England. When these men who work in these high temperatures drink water, they are poisoned by it. They develop cramps. Beer, containing salts, prevents development of these cramps in men under those conditions.

There is another phase of this question that appeals to me very strongly at this time. The many, many industries that will be benefited by the opening of the breweries and the placing of many of our now idle men back to work. This is true particularly of the district that I represent, because of the many miners and mill hands and those employed in other industries who would be affected by the passage of this bill. I am perfectly satisfied that there are many, many barrels of illegal beer going through Pennsylvania at the present time from which the country is getting no revenue whatsoever. This bill will immediately correct this evil and give our country the much-needed revenue that is now going to bootleggers and would bring us out of the chaos.

The evidence points very strongly to the supposition that we shall be able to raise between one hundred and fifty and two hundred million dollars annually from this revenue.

It is surely a step in the right direction from every viewpoint—first, eliminating a very disastrous evil that we are so familiar with; second, raising a much-needed revenue which is so necessary at this time; and most important of all is that men will be put back to work and the wheels of industry will start to revolve.

I can recall quite vividly the time previous to the enactment of the eighteenth amendment and the Volstead Act, particularly in reference to Pennsylvania. The people at that time were contented and happy. The breweries were operating in the manufacturing of good beer at 5 cents a large glass. The men working in the mines, in the mills, in the factories, on the railroads, the mechanics, and in many other forms of employment enjoyed this beverage because of years of being accustomed to it. In my opinion, although I have no personal knowledge of its taste, it was an unwise piece of legislation that excluded these workmen from this form of enjoyment, and at the same time forced a different method of living upon them which they have never been able to adjust themselves to satisfactorily. There is no doubt in my mind that if Congress will legalize beer so that the people may again feel free, independent, and unafraid of racketeers and overofficials and obnoxious prohibition agents, contentment and happiness will again reign in these United States.

Mr. DINGELL. Mr. Speaker and ladies and gentlemen of the House, I arise at this time to put on record, as a spokesman for my constituency, the fact that we of the Fifteenth Congressional District of Michigan desire the earliest possible enactment of the beer bill. I know it is the prevailing sentiment of the people of my district that the bill should provide for a beer that is wholesome and palatable with an alcoholic content of not less than 3.2 percent by weight. We, who live in close proximity to Canada, have had an opportunity to observe the unpopularity of beer with a lesser alcoholic content than 3.2 percent. The Canadian experiment has shown conclusively the total worthlessness of a malt beverage that does not contain the proper amount of alcohol.

My personal opinion is that inasmuch as beer is a workman's drink that the question of a beer tax is of vital importance. I feel certain that the House will not permit the levy of an excessive tax as a result of which beer would be available only to the rich and excluded from the table of the poor man. I am opposed to a tax of \$5 per barrel because I feel that it is excessive. Certain taxes applicable to the beer traffic might belong, at least in part, to the States and an excessive Federal tax would deprive the States of a source of revenue which is so sorely needed by the States and which we demand in part for the State of Michigan at the present time.

We have heard a great deal of discussion as to whether or not the saloon would be brought back into being should we adopt this bill. I want to answer this question by saying that I would rather see the open, well-regulated saloon with the lights turned on, licensed and supervised by the authorities, than I would see the present condition prevail. It is no concern of the gentleman from Texas [Mr. BLANTON] whether or not Michigan wants to have the saloon or whether or not 3.2 percent beer is intoxicating. That is a question for Michigan and the people of Michigan to determine, and as Democrats, believing in State rights, we should grant that right to Michigan, just as Michigan is willing to permit the State of Texas to remain dry if the people of Texas so ordain. The State of Kansas can continue to drink Peruna if the people of that State wish; and if the State of Ohio should perchance choose the Ontario liquor system, that should be Ohio's privilege; Indiana might, on the other hand, undertake a plan of local option, and that likewise should be conceded; while the State of Arkansas may continue the experiment of remaining constitutionally dry, though I know the temper and the good judgment of their people to recognize that experimenting is a thing of the past.

The Federal Government should aid the sovereign States that choose to remain dry to the extent of restricting liquor

shipments and by cooperating to the greatest possible extent in the protection of the expressed sentiments of the people residing therein. I might say also that dry States which manufacture liquor should be prevented from dumping their surplus production on wet States. It may be possible, Mr. Speaker, as time goes on to provide proper legislation to protect defenseless Missouri from the encroachment of the liquor exporters from the dry State of Kansas who dispose of their exportable surplus, causing hardship among the producing farmers of Mr. LEE's district.

I believe, Mr. Speaker, that when this vote on the beer question is finally taken, the Anti-Saloon League will be definitely repudiated, and the yoke which this body has for so many years carried about its neck will be cast off forever.

It must be said in everlasting tribute to the Members of former sessions of the House that their courage in the face of tremendous odds was the only thing that saved the situation as we of the Seventy-third Congress know it today. I remember distinctly when the number of votes cast for beer was less than the opposition cast against it today. This test of strength occurred repeatedly in the past sessions, and yet, in spite of it, they fought courageously for that which we have gained at this time.

I want to say in passing that I never entertained the idea that prohibition was an issue that was fostered by and sustained through fanaticism alone. As a matter of fact, I am the first to concede that the bulk of the advocates of prohibition are a devoted, loyal, and sincere part of our American people. It is true that the question has been agitated by a limited number of professional dries who were fanatical in their zeal to keep the issue alive at all times. This element has been repudiated by the sincere temperance element within the ranks of the prohibition forces. It has taken considerable time to convince the opposition of the utter futility of prohibition, but once they were convinced, prohibition was doomed.

SESSIONS OF COMMITTEE ON APPROPRIATIONS

Mr. BUCHANAN. Mr. Speaker, I offer a resolution which I have sent to the desk.

The Clerk read as follows:

House Resolution 47

Resolved, That the Committee on Appropriations and subcommittees thereof be authorized to sit during the sessions and recesses of the Seventy-third Congress.

The resolution was agreed to.

RECESS

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the House stand in recess subject to the call of the Chair.

Mr. SNELL. Will the gentleman explain what is going to take place?

Mr. BYRNS. There is a banking bill that has just passed the Senate and is on its way here, and I am told it will be here probably within half an hour. It is relative to State banks, and one that is considered very important to State banks about to open.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. BYRNS]?

There was no objection.

Accordingly (at 4 o'clock and 32 minutes p.m.) the House stood in recess subject to the call of the Speaker.

AFTER RECESS

The recess having expired, at 6 p.m. the House was called to order by the Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J.Res. 14. Joint resolution authorizing the President of the United States to expend \$5,000,000 to relieve distress in those counties of California which have suffered from the catastrophe of earthquake in the year 1933.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J.Res. 14. Joint resolution authorizing the President of the United States to expend \$5,000,000 to relieve distress in those counties of California which have suffered from the catastrophe of earthquake in the year 1933; to the Committee on Appropriations.

ADJOURNMENT

Mr. BYRNS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 15, 1933, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. POU: Committee on Rules. A resolution (H.Res. 43) amending rule X of the House of Representatives; without amendment (Rept. No. 2). Referred to the House Calendar.

Mr. CULLEN: Committee on Ways and Means. A bill (H.R. 3341) to provide revenue by the taxation of certain nonintoxicating liquor, and for other purposes; without amendment (Rept. No. 3). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CULLEN: A bill (H.R. 3341) to provide revenue by the taxation of certain nonintoxicating liquor, and for other purposes; to the Committee on Ways and Means.

By Mr. PALMISANO: A bill (H.R. 3342) to provide revenue for the District of Columbia by the taxation of beverages, and for other purposes; to the Committee on the District of Columbia.

By Mr. DISNEY: A bill (H.R. 3343) providing for loans or advances by the Reconstruction Finance Corporation for the purpose of securing the postponement of the foreclosure of certain mortgages for a period of 2 years, and for other purposes; to the Committee on Banking and Currency.

Also, a bill (H.R. 3344) to amend section 14, subdivision 3, of the Federal Farm Loan Act; to the Committee on Banking and Currency.

By Mr. DOXEY: A bill (H.R. 3345) to authorize the Department of Agriculture to issue a duplicate check in favor of the Mississippi State treasurer, the original check having been lost; to the Committee on Claims.

By Mr. JAMES: A bill (H.R. 3346) to authorize appropriations for construction of buildings, utilities, and appurtenances thereto at Bolling Field, D.C.; to the Committee on Military Affairs.

Also, a bill (H.R. 3347) to authorize appropriations for the construction of buildings, utilities, and appurtenances thereto at Langley Field, Va.; to the Committee on Military Affairs.

By Mr. SWEENEY: A bill (H.R. 3348) to amend the act entitled "An act to amend the act of March 3, 1913, entitled 'An act to regulate the officering and manning of vessels subject to the inspection laws of the United States,'" approved May 11, 1918; to the Committee on Merchant Marine, Radio, and Fisheries.

By Mr. CARPENTER of Nebraska: A bill (H.R. 3349) to establish a bimetallic system of currency, employing gold and silver, to fix the relative value of gold and silver, authorizing the Secretary of the Treasury to maintain the gold and silver reserve, to redeem Government obligations in both gold and silver at the option of the Secretary of the Treasury, providing that gold and silver shall be legal tender for payment of public and private debts, to provide for the free coinage of silver as well as gold, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. BROWN of Kentucky: A bill (H.R. 3350) to establish a bimetallic system of currency employing gold and silver, to fix the relative value of gold and silver, authorizing the Secretary of the Treasury to maintain the gold and silver reserve, to redeem Government obligations in both gold and silver at the option of the Secretary of the Treasury, providing that gold and silver shall be legal tender for payment of public and private debts, to provide for the free coinage of silver as well as gold, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. SOMERS of New York: A bill (H.R. 3351) relating to educational requirements of applicants for citizenship; to the Committee on Immigration and Naturalization.

By Mr. SWEENEY: A bill (H.R. 3352) to amend the act approved June 25, 1910, entitled "An act to establish postal-savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes"; to the Committee on the Post Office and Post Roads.

By Mr. WALLGREN: A bill (H.R. 3353) to provide a preliminary examination of St. Illeguamish River and its tributaries in the State of Washington, with a view to the control of its floods; to the Committee on Flood Control.

Also, a bill (H.R. 3354) to provide a preliminary examination of Snohomish River and its tributaries in the State of Washington, with a view to the control of its floods; to the Committee on Flood Control.

By Mr. BANKHEAD: A bill (H.R. 3355) to authorize the purchase by the Government of silver, to provide for the issuance of silver certificates in payment therefor, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. DISNEY: A bill (H.R. 3356) authorizing the Secretary of the Interior to purchase certain lands in Ottawa County, Okla.; to the Committee on Indian Affairs.

By Mr. SINCLAIR: A bill (H.R. 3357) to amend section 99 of the Judicial Code (U.S.C., title 28, sec. 180), as amended; to the Committee on the Judiciary.

By Mr. DOCKWEILER: A bill (H.R. 3358) to extend the mining laws of the United States to the Death Valley National Monument in California, and for other purposes; to the Committee on the Public Lands.

By Mr. HASTINGS: A bill (H.R. 3359) to provide for the furnishing of bonds by National and State banks and trust companies, which are members of the Federal Reserve System, for the protection of the depositors; to the Committee on Banking and Currency.

Also, a bill (H.R. 3360) granting consent to the several States to tax property employed and business done in interstate commerce; to the Committee on Ways and Means.

Also, a bill (H.R. 3361) to provide for the construction of a military road at the United States cemetery at Fort Gibson, Okla.; to the Committee on Military Affairs.

By Mr. WALLGREN: A bill (H.R. 3362) to provide a preliminary examination of the Nooksack River and its tributaries in the State of Washington with a view to the control of its floods; to the Committee on Flood Control.

Also, a bill (H.R. 3363) to provide a preliminary examination of Skagit River and its tributaries in the State of Washington, with a view to the control of its floods; to the Committee on Flood Control.

By Mr. McFARLANE: A bill (H.R. 3364) to reduce salaries, pay, and wages received from the United States during the calendar year 1933; to the Committee on Expenditures in the Executive Departments.

Also, a bill (H.R. 3365) to repeal section 1001 (a) of the Revenue Act of 1932, which increased the rate of postage on certain mail matter of the first class; to the Committee on Ways and Means.

By Mr. McLEOD: A bill (H.R. 3366) to prevent loss of their Government insurance policies by veterans who have been unable to make their monthly premium payments because of the bank holiday; to the Committee on World War Veterans' Legislation.

By Mr. JOHNSON of Texas: A bill (H.R. 3367) to authorize the acceptance by the Treasury of silver bullion and the issuance therefor of silver certificates for the purpose of expanding the currency and elevating the price level, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH of West Virginia: A bill (H.R. 3368) to amend section 113 of the Judicial Code, as amended (U.S.C., title 28, sec. 194); to the Committee on the Judiciary.

By Mr. JOHNSON of Texas: A bill (H.R. 3369) to amend the National Banking Act and the Federal Reserve Act, and to provide a guaranty fund for depositors in banks; to the Committee on Banking and Currency.

By Mr. SMITH of Virginia: A bill (H.R. 3370) to confer jurisdiction on the Court of Claims to hear and determine the claim of Mount Vernon, Alexandria & Washington Railway Co., a corporation; to the Committee on Claims.

Also, a bill (H.R. 3371) to revive and reenact the act entitled "An act authorizing the Great Falls Bridge Co. to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls," approved April 21, 1928; to the Committee on Interstate and Foreign Commerce.

By Mr. WALLGREN: A bill (H.R. 3372) for the refunding of certain countervailing customs duties collected upon logs imported from British Columbia; to the Committee on the Judiciary.

By Mr. DIES: A bill (H.R. 3373) to authorize the Secretary of Commerce to offer for sale to foreign buyers the 1933 crop of wheat and cotton and to accept as payment therefor silver coin or bullion at the value of 75 cents an ounce, and to authorize the Secretary of Agriculture to purchase the 1933 cotton and wheat crops from American producers at three times the world market price and to pay for same with silver certificates redeemable in silver bullion; to the Committee on Coinage, Weights, and Measures.

By Mr. SNELL: Resolution (H.Res. 48) amending rule XXXIII, paragraph 1, of the House of Representatives; to the Committee on Rules.

By Mr. POUL: Resolution (H.Res. 49) amending clause 44 of rules X and XI of the House of Representatives; to the Committee on Rules.

By Mr. DICKSTEIN: Resolution (H.Res. 50) to provide for a select committee to investigate practices used in deportation of aliens, and to study extent of alien smuggling from Cuba; to the Committee on Rules.

By Mr. BURKE of California: Joint resolution (H.J.Res. 80) to authorize the President to make expenditures for the relief of hardship, suffering, and distress occasioned by earthquake in the State of California; to the Committee on Appropriations.

By Mr. BOLAND: Joint resolution (H.J.Res. 81) authorizing the President of the United States to issue a proclamation designating October 11 of each year a day to display the United States flag, with appropriate ceremonies; to the Committee on the Judiciary.

By Mr. BURKE of California: Joint resolution (H.J.Res. 82) authorizing the President of the United States to expend \$5,000,000 to relieve distress in those counties of California which have suffered from the catastrophe of earthquake in the year 1933; to the Committee on Appropriations.

By Mr. DISNEY: Joint resolution (H.J.Res. 83) to provide protection and relief to farmers by aiding them to conserve and liquefy their mineral rights through recognized and established cooperative agencies engaged in the pooling of mineral rights underlying farm lands; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COCHRAN of Missouri: A bill (H.R. 3374) granting a pension to Gustav Gumpertz; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3375) granting a pension to Emma Springer; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3376) granting a pension to Sarah Stephenson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3377) granting a pension to Julia C. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3378) granting an increase of pension to Anna Barfield; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3379) granting an increase of pension to Margaret Holden; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3380) granting an increase of pension to Margaret A. Kelly; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3381) granting an increase of pension to Sarah A. Maack; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3382) granting a pension to Gertrude Storck; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3383) for the relief of Herman Schierhoff; to the Committee on Claims.

By Mr. COLLINS of California: A bill (H.R. 3384) for the relief of Ralph C. Irwin; to the Committee on the Post Office and Post Roads.

By Mr. DE PRIEST: A bill (H.R. 3385) for the relief of Robert Taylor; to the Committee on Military Affairs.

Mr. DOCKWEILER: A bill (H.R. 3386) granting a pension to Norman Stephens; to the Committee on Pensions.

Also, a bill (H.R. 3387) for the relief of Walter E. Sharon; to the Committee on Naval Affairs.

Also, a bill (H.R. 3388) granting a pension to Dorsey C. Blakeley; to the Committee on Pensions.

Also, a bill (H.R. 3389) granting a pension to Cornelius S. Holcombe; to the Committee on Pensions.

Also, a bill (H.R. 3390) granting a pension to Mary P. Paul; to the Committee on Pensions.

Also, a bill (H.R. 3391) granting an increase of pension to Arthur Plank; to the Committee on Pensions.

Also, a bill (H.R. 3392) granting a pension to George McMullen; to the Committee on Pensions.

Also, a bill (H.R. 3393) granting a pension to Alice Mitchell; to the Committee on Pensions.

Also, a bill (H.R. 3394) granting a pension to Lloyd O. Taylor; to the Committee on Pensions.

Also, a bill (H.R. 3395) granting a pension to William Dunn; to the Committee on Pensions.

Also, a bill (H.R. 3396) granting a pension to Albert M. Barden; to the Committee on Pensions.

By Mr. DOWELL: A bill (H.R. 3397) granting an increase of pension to Nancy Shawhan; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3398) granting an increase of pension to Emily A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3399) granting an increase of pension to Harriett Smith; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3400) granting an increase of pension to Martha A. McDole; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3401) granting an increase of pension to Mary E. Lemmon; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3402) granting an increase of pension to Mary Ann Holland; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3403) granting an increase of pension to Emma L. Gossard; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3404) granting a pension to Ida E. Downey; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3405) granting an increase of pension to Mary E. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3406) granting an increase of pension to Amy Barnes; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3407) granting a pension to Mary Frances Culbertson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3408) granting a pension to John H. Andrews; to the Committee on Pensions.

Also, a bill (H.R. 3409) granting a pension to Jessie D. Wheat; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3410) granting an increase of pension to Mary J. Walton; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3411) granting a pension to Katie White; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3412) granting a pension to Lillie Watson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3413) granting an increase of pension to Sarah E. Westlake; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3414) granting an increase of pension to Annie B. Chedester; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3415) granting an increase of pension to Hannah P. Walling; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3416) granting a pension to Mary Smith; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3417) granting an increase of pension to Lucinda C. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3418) granting an increase of pension to Sarah J. Starbuck; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3419) granting an increase of pension to Anise Musselman; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3420) granting an increase of pension to Rebecca A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3421) for the relief of Louis A. Carr; to the Committee on Military Affairs.

Also, a bill (H.R. 3422) for the relief of G. W. Bauserman; to the Committee on Claims.

By Mr. DOXEY: A bill (H.R. 3423) for the relief of Benjamin Wright, deceased; to the Committee on Naval Affairs.

By Mr. GAMBRILL: A bill (H.R. 3424) for the relief of William G. Fulton; to the Committee on Claims.

By Mr. GUYER: A bill (H.R. 3425) granting an increase of pension to Lydia Effie Chace; to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H.R. 3426) granting an increase of pension to Cynthia E. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3427) granting an increase of pension to Rhoda Ellis; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3428) granting an increase of pension to Mary C. Davis; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3429) granting an increase of pension to Rachel Gibson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3430) granting an increase of pension to Mary A. Deaton; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3431) granting an increase of pension to Mary A. Choate; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3432) granting an increase of pension to Martha A. Bowman; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3433) granting an increase of pension to Martha J. Alcorn; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3434) granting an increase of pension to Mary Perry; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3435) granting an increase of pension to Charity Wilson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3436) granting a pension to Ada Simpson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3437) granting a pension to Sarah Farmer; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3438) granting a pension to Josephine Smith; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3439) granting a pension to John C. Camden; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3440) granting a pension to Sarah L. Hadley; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3441) granting a pension to Ruth E. Simpson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3442) granting a pension to Hector O. Downey; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3443) granting a pension to Amanda Sumner; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3444) granting a pension to Amanda Jarvis; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3445) granting a pension to Sarah Nantz; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3446) granting a pension to Joshua S. Mullins; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3447) granting a pension to Ella Abney; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3448) granting a pension to Nancy Triplet; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3449) granting a pension to Jane Burns; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3450) granting a pension to Kate Couch; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H.R. 3451) granting an increase of pension to Peggy Shade; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3452) granting a pension to Francis M. Weddle; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3453) granting an increase of pension to Eulie Beedle; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3454) for the relief of Mary McCutcheon; to the Committee on Claims.

By Mr. HOWARD: A bill (H.R. 3455) to enroll on the citizenship rolls certain persons of the Choctaw and Chickasaw Nations or Tribes; to the Committee on Indian Affairs.

By Mr. KENNEDY of Maryland: A bill (H.R. 3456) for the relief of Ellis Duke, also known as Elias Duke; to the Committee on Claims.

By Mr. KNUTSON: A bill (H.R. 3457) granting a pension to Joseph R. Hills; to the Committee on Pensions.

By Mr. MCCORMACK: A bill (H.R. 3458) for the relief of Thomas Kirwan; to the Committee on Military Affairs.

By Mr. O'CONNOR: A bill (H.R. 3459) for the relief of the Franklin Surety Co.; to the Committee on Claims.

Also, a bill (H.R. 3460) for the relief of the International Manufacturers' Sales Co. of America, Inc.; to the Committee on Claims.

By Mr. PARKER of Georgia: A bill (H.R. 3461) granting a pension to William F. Clohessy; to the Committee on Pensions.

By Mr. PARSONS: A bill (H.R. 3462) granting a pension to Kelly Rister; to the Committee on Pensions.

By Mr. RICH: A bill (H.R. 3463) for the relief of Walter E. Switzer; to the Committee on Claims.

Also, a bill (H.R. 3464) for the relief of Muncy Valley Private Hospital; to the Committee on Claims.

Also, a bill (H.R. 3465) granting an increase of pension to Eva E. Mussina; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3466) granting a pension to Hazel Stover; to the Committee on Pensions.

Also, a bill (H.R. 3467) granting an increase of pension to Marietta Love; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3468) granting a pension to Frank M. Peasley; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3469) granting an increase of pension to Elizabeth Hayes; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3470) granting a pension to Mary E. Lomison; to the Committee on Pensions.

Also, a bill (H.R. 3471) granting an increase of pension to Martin V. Stanton; to the Committee on Pensions.

Also, a bill (H.R. 3472) granting an increase of pension to Mary A. Minihan; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3473) granting an increase of pension to Elizabeth L. Crist; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3474) granting a pension to Anna L. Harman; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3475) granting an increase of pension to Kate L. Rodimer; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3476) granting an increase of pension to Mary E. Grange; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3477) granting an increase of pension to Susan A. Miller; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3478) granting an increase of pension to Mary Jane Sherwood; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3479) granting a pension to Lulu Maude Williams; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3480) granting an increase of pension to Ellen E. Miller; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3481) granting an increase of pension to Elizabeth S. Simpson; to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H.R. 3482) for the relief of Samuel Irick; to the Committee on Invalid Pensions.

By Mr. SADOWSKI: A bill (H.R. 3483) for the relief of Anthony Nowakowski; to the Committee on Claims.

By Mr. SMITH of West Virginia: A bill (H.R. 3484) granting an increase of pension to Margaret Gallacher Simpson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3485) granting a pension to John Wesley Smalles; to the Committee on Pensions.

Also, a bill (H.R. 3486) granting a pension to Sarah M. Williams; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3487) for the relief of Richard H. Bowman; to the Committee on Military Affairs.

Also, a bill (H.R. 3488) granting a pension to William B. Mullins; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3489) granting an increase of pension to Nancy Rollyson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3490) granting a pension to Alice B. Cook; to the Committee on Pensions.

Also, a bill (H.R. 3491) for the relief of Louis C. Runyon; to the Committee on Military Affairs.

Also, a bill (H.R. 3492) for the relief of Harry C. Anderson; to the Committee on Military Affairs.

By Mr. SOMERS of New York: A bill (H.R. 3493) granting an increase of pension to Georgiana Furey; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3494) to correct the naval record of Francis T. Cavanagh; to the Committee on Naval Affairs.

Also, a bill (H.R. 3495) to change the military record of Harry Lewis; to the Committee on Military Affairs.

Also, a bill (H.R. 3496) for the relief of Frank J. Kenny; to the Committee on Naval Affairs.

Also, a bill (H.R. 3497) for the relief of James Dillon; to the Committee on Military Affairs.

Also, a bill (H.R. 3498) for the relief of Peter Burns; to the Committee on Military Affairs.

Also, a bill (H.R. 3499) for the relief of the Union Shipping & Trading Co., Ltd.; to the Committee on War Claims.

Also, a bill (H.R. 3500) to correct the military record of Everett S. Pillion; to the Committee on Military Affairs.

Also, a bill (H.R. 3501) for the relief of Edward Brooks; to the Committee on Naval Affairs.

Also, a bill (H.R. 3502) for the relief of the estate of William Bardel; to the Committee on Claims.

Also, a bill (H.R. 3503) granting a pension to James Dillon; to the Committee on Invalid Pensions.

Also, a bill (H.R. 3504) for the relief of Jose O. Enslew; to the Committee on Claims.

Also, a bill (H.R. 3505) for the relief of William Rogers; to the Committee on Naval Affairs.

By Mr. THOMASON of Texas: A bill (H.R. 3506) for the relief of Arthur DeWitt Locke; to the Committee on Naval Affairs.

By Mr. THURSTON: A bill (H.R. 3507) for the relief of W. G. Wood; to the Committee on Claims.

Also, a bill (H.R. 3508) for the relief of William N. Fishburn; to the Committee on Military Affairs.

By Mr. WELCH: A bill (H.R. 3509) for the relief of Catherine Wright; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

53. By Mr. AYERS of Montana: Memorial of the Legislature of the State of Montana, memorializing Congress to enact legislation reducing the rate of interest required to be paid on loans made by the Reconstruction Finance Corporation in aid of industries; to the Committee on Banking and Currency.

54. By Mr. CUMMINGS: Petition of the Board of Aldermen of Denver, Colo., urging that a law be passed providing for the free and unlimited coinage of silver on a correct ratio with gold; to the Committee on Coinage, Weights, and Measures.

55. Also, petition in the nature of a senate joint memorial of the Colorado Legislature, urging enactment of the

Frazier bill, providing for existing farm indebtedness; to the Committee on Agriculture.

56. Also, petition signed by Louise S. Booth and other members of the Woman's Christian Temperance Union of Sterling, Colo., urging the enactment of a law which will establish a Federal motion-picture commission; to the Committee on Education.

57. By Mr. JOHNSON of Texas: Senate Concurrent Resolution No. 24 of the Senate of Texas, favoring a greater use of granite in Federal construction; to the Committee on Public Buildings and Grounds.

58. By Mr. LINDSAY: Petition of the National Association of Railroad and Utilities Commissioners, New York City, urging support of the Johnson bill; to the Committee on Interstate and Foreign Commerce.

59. Also, petition of S. Winterbourne & Co., varnish manufacturers, New York City, favoring passage of House bill 235; to the Committee on Expenditures in the Executive Departments.

60. Also, petition of Valentine & Co., varnish manufacturers, New York City, favoring House bill 235; to the Committee on Expenditures in the Executive Departments.

61. By Mr. LLOYD: Memorial of the White Center Local Unemployed Citizens' League of the State of Washington, calling attention to the deprivations faced by members of that league and indorsing the program set forth by President Roosevelt in his inaugural address; to the Committee on Ways and Means.

62. By Mr. MORAN: Petition of citizens of Somerset County, Me., favoring legislation providing for the revaluation of the gold ounce; to the Committee on Banking and Currency.

63. By Mr. O'MALLEY: Memorial of the Legislature of the State of Wisconsin, relating to agricultural relief and urging Congress to promptly enact the definite pledges for agricultural relief as set forth in the Democratic national platform; to the Committee on Agriculture.

64. Also, memorial of the Legislature of Wisconsin, seeking protection for American producers of wood pulp against unfair competition of foreign producers brought about largely by the depreciation of foreign currencies; to the Committee on Interstate and Foreign Commerce.

65. Also, memorial of the Legislature of the State of Wisconsin, advocating a reduction of officers' retirement pay so that no such payment shall be allowed officers receiving an income of \$4,800 or in excess thereof, the saving resulting from such reduction to be disbursed among unemployed and needy veterans; to the Committee on Military Affairs.

66. By Mr. RUDD: Petition of Valentine & Co., New York City, favoring the discontinuance of the manufacture of paints and varnishes in Government navy yards; to the Committee on Expenditures in the Executive Departments.

67. By Mr. THOMASON of Texas: Petition of Texas Senate, urging greater use of granite in Federal construction; to the Committee on Public Buildings and Grounds.

68. Also, petition of the Senate of Texas, asking that Fort D. A. Russell at Marfa, Tex., be regarrisoned; to the Committee on Military Affairs.

SENATE

WEDNESDAY, MARCH 15, 1933

(Legislative day of Monday, Mar. 13, 1933)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

BURTON K. WHEELER, Senator from the State of Montana, appeared in his seat today.

Mr. ROBINSON of Arkansas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bailey	Black	Brown
Ashurst	Bankhead	Bone	Bulkeley
Austin	Barbour	Borah	Bulw
Bachman	Barkley	Bratton	Byrd